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**Ymateb i Ymgynghoriad / Consultation Response**

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<b>Enw / Name:</b>	Meilyr Rowlands
<b>Rôl / Role:</b>	Her Majesty's Chief Inspector of Education and Training in Wales
<b>E-bost / Email:</b>	<a href="mailto:ChiefInspector@estyn.gov.uk">ChiefInspector@estyn.gov.uk</a>
<b>Rhif Ffôn / Tel No:</b>	02920 446 446
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<b>Pwnc / Subject:</b>	Local Government and Elections (Wales) Bill

**Background information about Estyn**

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## **Introduction**

Estyn broadly supports the proposed legislation as set in the Local Government and Elections (Wales) Bill. The provisions for the extension of the voting franchise to 16 and 17 year olds is welcomed by Estyn as we believe this will enable young people to better contribute to their local communities through positive political debate and the exercise of their vote. Estyn also considers such a change will have a direct impact upon the school curriculum, and its place in preparing young people to take up their rights as enfranchised citizens. This will support the realisation of the four purposes within the draft Curriculum for Wales 2022 to develop children and young people as:

- ambitious, capable learners, ready to learn throughout their lives
- enterprising, creative contributors, ready to play a full part in life and work
- ethical, informed citizens of Wales and the world
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

The provisions which enable the Welsh Government and local authorities to put in place joint committees for the more effective and efficient delivery of services is welcomed, and Estyn expects that these provisions will lead to more effective joint working at local authority level, and more securely established partnerships, with clearer purposes, and more effective accountability measures.

The provisions for a new system for performance and governance within local authorities are clearly focussed on self-assessment processes, which should enable local authorities to take more effective steps for self-regulation and improvement.

Estyn also welcomes the proposals for closer working and collaboration between the inspectorates and regulatory bodies, and for the exchange of information between these and with the Welsh Government.

The Bill could be further strengthened through:

- identifying the need to explicitly engage with children and young people as a sub-section of the public in part 3
- clearly defining what functions could be transferred in relation to education improvement
- including relevant inspection and regulation bodies as statutory consultees in making regulations to create Corporate Joint Committees.

### **Part 1 - Elections**

Estyn welcomes the proposal to extend the right to vote in local government elections to 16 and 17 year olds. This proposal recognises the ability of these young people to properly understand their local community and its issues and to more fully participate in local political life. This proposal also recognises the right of these maturing young people under the UNCRC to have a say and to influence the decisions made that affect them, and the opportunity for them to do through the ballot box.

The Welsh Government should also consider the implications of this proposal for the school curriculum, and needs to strengthen its current guidance for school in the education of pupils in citizenship. For example, if this proposal is adopted, pupils from the age of 14 years will be encouraged to register to vote from the age of 16 years. The expectations of the curriculum as set out in the Welsh Assembly Government (2008) guidance [Personal and social education framework for 7 to 19-year-olds in Wales](#), requires the inclusion of citizenship in the curriculum. Such a focus will support the realisation of the four purposes within the draft Curriculum for Wales 2022 to develop children and young people as:

- ambitious, capable learners, ready to learn throughout their lives
- enterprising, creative contributors, ready to play a full part in life and work
- ethical, informed citizens of Wales and the world
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

### **Part 2 – General Power of Competence**

No comment from Estyn

### **Part 3 – Promoting Access to Local Government**

Estyn welcomes the proposals set out in Part 3 of the Bill, alongside those in Parts 4, 5 and 6 to strengthen accountability through new performance and governance measures based on self-assessment appear comprehensive and robust. The proposed legislation as set out in parts 3, 4, 5, and 6, will help better focus local authorities towards more effective self-assessment, and its contribution to accountability internally between officers and elected members, and to the local electorate.

The requirement for an annual whole council report is set out simply in this section (Part 3), and is further developed and in more detail in Part 4 section 68.

Public engagement in decision-making should be promoted at all levels and the requirement to publish a public participation strategy will help strengthen this involvement. In line with the UNCRC Article 14, it may be helpful to refer directly to the requirement to promote the participation of children. This addition could further strengthen this aspect of the legislation. Many local authorities already have children's participation strategies in place, along with local fora to support this right.

#### **Part 4 – Local Authority Executives, Members, Officers and Committees**

The requirement under part 4 of the bill for an annual council report directs this duty towards a standards committee, reporting on the activity of the council's duties. The direction for the 'relevant authority' to respond to this report from its standards committee, should improve the local authority's internal dialogue as a self-improving system.

#### **Part 5 – Collaborative Working by Principal Councils**

The proposals in part 5 for joint action between councils, set out a coherent process and clear conditions by which two or more councils might come together to establish a corporate joint committee to exercise a function or functions in respect of the principal areas of those councils. The proposal also sets out clearly where the Welsh Government might direct councils to form a joint committee. Section 79 (3) (a) (i) is clear that this would include improving education.

The provisions made for this in the Bill are likely to better support local authorities in the discharge of their school improvement duties through the Regional Consortia. Further the provisions would also enable additional work to be passed forward to the Regional Consortia where appropriate, at the discretion of the local authority or the Welsh Government.

The provisions under section 77 (4) (a) and (b) raise the possibility of a principal council choosing to either transfer a function, or retain that function. The implications for both local authorities and Regional Consortia for the discharge of school improvement statutory duties will need further exploration and clarification. Our published reports on the work of the regional consortia for school improvement have demonstrated that it takes time to establish effective joint arrangements. It also requires the full commitment of the constituent local authorities. The proposed arrangements will clearly place this type of regional service on a much stronger and clearer statutory footing. By working together, local authorities are able to create a critical mass of expertise to support education improvement more effectively. The provisions will allow local authorities to identify

the most logical partner authorities to work with which in some cases may be the current Regional Consortia groupings.

It would be helpful to define what is meant by services that improve education. Our evidence from inspections of both schools and local authorities demonstrate the complex interplay of factors that contribute to the success of a school and its pupils. A wide range of services can contribute towards education improvement, not all of which are defined as being part of the current regional consortia for school improvement. For example, would behaviour support services, educational welfare services or services to support special educational needs be functions that could be delivered through a corporate joint committee for education improvement?

It would also be helpful to clarify whether the inspection powers which Estyn has with regards to local authorities under section 38 of the Education Act 1997 (<https://www.legislation.gov.uk/ukpga/1997/44/section/38>) will be applicable to any CJC. For example, would we need to inspect and report on the delivery of school improvement by a CJC separately from the inspections of the constituent local authorities?

Under Section 78 (3) of the Bill, it would be helpful to list any relevant inspection bodies as statutory consultees.

## **Part 6 – Performance and Governance of Principal Councils**

It is vital that local authorities are reflective, self-improving organisations. Estyn recognises the contribution of the proposals set out Part 6 to the accountability of the local authority and its performance, to its electorate, through the provisions outlined that requires the local authority to consult about and report on its performance. The role for Estyn as an inspectorate is clear regarding this accountability, through the requirement for the local authority to copy to it any reports, recommendations, and action plans.

The requirement for the local authority to hold a panel performance assessment, should further strengthen the scrutiny of the local authority's performance.

The requirement though on Estyn arising from receipt of these is not clearly stated.

It is assumed by Estyn that the provisions made under section 94 Power of Auditor General to carry out a special inspection should the local authority not be meeting its performance requirements to include education performance. In that instance, the Auditor General may, as an unintended consequence, cut across the duties of Estyn. The provisions under section 94 (7) which requires the auditor general to

copy his report following a special inspection to Estyn, would be more effective if these provisions required the Auditor General to work in partnership with Estyn with regard to any special inspection that included a local authority's education duties and provision.

Estyn welcomes the sections set out in chapter 3 of Part 6 with regard to coordination between regulators. These sections set out clearly the rationale for such coordination. However, the provisions as set out refer to regulators, and Estyn as such does not fulfil a regulatory role, instead its duties are that of an inspectorate. The difference between regulatory bodies and inspectorates could be better recognised in this chapter.

**Part 7 – Mergers and Restructuring of Principal Areas**

No comment from Estyn

**Part 8 – Local Government Finance**

No comment from Estyn

**Part 9 – Miscellaneous**

Estyn welcomes the provisions for information sharing between inspectors and regulators as set out in section 156 of Part 9. This provision should further strengthen the joint working between these bodies.