



# School Standards and Organisation (Wales) Act 2013

2013 anaw 1

## PART 5

### MISCELLANEOUS SCHOOLS FUNCTIONS

#### *School-based counselling*

#### **92 Independent counselling services for school pupils and other children**

- (1) A local authority must secure reasonable provision for a service providing counselling in respect of health, emotional and social needs (an “independent counselling service”) for—
- (a) registered pupils receiving secondary education at—
    - (i) schools maintained by the authority, and
    - (ii) other schools in its area;
  - (b) other persons belonging to the authority’s area who have attained the age of 11 but not the age of 19;
  - (c) registered pupils undertaking their final academic year of primary education at—
    - (i) schools maintained by the authority, and
    - (ii) other schools in its area;
  - (d) such other persons receiving primary education as the Welsh Ministers may specify in regulations.
- (2) In securing provision of an independent counselling service under this section, a local authority must have regard—
- (a) to the principle that the service is to be independent of—
    - (i) the governing body or other proprietor of a school at which a person to whom the service is provided is receiving education, and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) the management of a school at which a person to whom the service is provided is receiving education;
  - (b) to guidance given by the Welsh Ministers.
- (3) A local authority must secure that an independent counselling service is provided on the site of each school maintained by the authority that provides secondary education (whether or not it also provides other kinds of education).
- (4) A local authority may secure the provision of an independent counselling service at other locations.
- (5) The Welsh Ministers may by regulations require the provision of an independent counselling service at other locations.

### **93 Information about independent counselling services**

- (1) A local authority must comply with a direction given by the Welsh Ministers to the authority—
- (a) to compile information about the independent counselling service it secures under section 92;
  - (b) to provide information about that service to the Welsh Ministers.
- (2) A direction under subsection (1) may include instructions to compile or provide information in a way, and at a time, specified in the direction.
- (3) A direction under subsection (1) may not require a local authority—
- (a) to provide information about an identified individual;
  - (b) to provide information in a way that, either by itself or in combination with any other information, identifies any individual to whom it relates or enables that individual to be identified.
- (4) If the person providing an independent counselling service is not the local authority—
- (a) the local authority must give the person providing the service a copy of any direction given to the authority under subsection (1), and
  - (b) the person providing the service must compile the information necessary for compliance with the direction, and provide it to the local authority, in a way that does not identify the individuals to whom it relates, or enable them to be identified (either by itself or in combination with other information).
- (5) A direction under this section—
- (a) must be in writing;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.