



# School Standards and Organisation (Wales) Act 2013

2013 anaw 1

## PART 5

### MISCELLANEOUS SCHOOLS FUNCTIONS

#### *Free breakfasts in primary schools*

#### **88 Duty to provide free breakfasts for pupils in primary schools**

- (1) A local authority must provide breakfasts on each school day for pupils at a primary school maintained by the authority, if—
  - (a) the governing body of the school has asked the authority in writing for breakfasts to be provided, and
  - (b) 90 days have passed, beginning with the day following the day on which the request was received.
- (2) The duty in subsection (1) does not apply (or ceases to apply) in relation to a request from a governing body if either of the following paragraphs applies—
  - (a) the governing body has asked the authority in writing to stop providing breakfasts;
  - (b) it would be unreasonable to provide the breakfasts and the local authority has notified the governing body in writing that as a result—
    - (i) it is not going to provide breakfasts, or
    - (ii) it is going to stop providing breakfasts.
- (3) If the duty under subsection (1) applies, the local authority must provide breakfast for each pupil who asks the authority for it; for this purpose, the request may be made by or on behalf of the pupil.
- (4) Breakfasts provided by a local authority under this section—

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- (a) may take any form the authority thinks fit, subject to any regulations made under section 4 of the Healthy Eating in Schools (Wales) Measure 2009 (requirements for food and drink provided on school premises);
  - (b) must be provided free of charge;
  - (c) must be available on the school's premises;
  - (d) must be available before the start of each school day, except in the case of a community special school where breakfasts may be made available before or at the start of each school day.
- (5) In exercising its functions, a local authority or a governing body of a primary school maintained by a local authority must have regard to any guidance given by the Welsh Ministers about providing breakfasts for pupils.

## **89 Transitional provision**

- (1) Where a local authority that maintains a primary school, or its governing body, is already providing breakfast for pupils of the school at the time section 88 comes into force, that section applies in relation to the school as if—
- (a) a request had been made under that section for provision of breakfasts by the governing body,
  - (b) 90 days have passed, beginning with the day following the day on which the request was received, and
  - (c) each pupil for whom breakfast is already being provided has made a request to the authority.
- (2) Subsection (3) applies where, before the coming into force of section 88, a request in writing for the provision of breakfasts for pupils has been made by the governing body of the primary school to the local authority that maintains the school, but neither the local authority nor the governing body has been providing breakfast for pupils of the school.
- (3) The request made before the coming into force of section 88 has effect as a request under that section made on the day that the section came into force.

## **90 Interpretation of sections 88 and 89**

In sections 88 and 89—

“primary school” (“*ysgol gynradd*”) means a school that provides primary education (whether or not it also provides other kinds of education);

“provide” (“*darparu*”) includes arranging provision;

“pupil” (“*disgybl*”) means a child receiving primary education at the school (whether or not the child is a registered pupil).

*Power to charge for meals*

## **91 Amendment to power to charge for school meals etc**

- (1) Part 9 of the Education Act 1996 (ancillary functions) is amended as set out in subsections (2) and (3).
- (2) In section 512ZA (power to charge for meals etc)—

- (a) in subsection (1A), omit “in England”;
  - (b) omit subsection (2).
- (3) In section 533 (functions of governing bodies of maintained schools with respect to provision of school meals etc)—
- (a) in subsection (3A), omit “in England”;
  - (b) omit subsection (4).

### *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
    - (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—

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- (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.

#### *Parents' meetings*

### **94 Duty of governing body of maintained schools to hold meetings following petition by parents**

- (1) The governing body of a maintained school must hold a meeting (“the meeting”) if it receives a petition from parents of registered pupils at the school requesting a meeting and it is satisfied that each of the following four conditions is satisfied.
- (2) The first condition is that the petition contains the signatures of the required minimum number of parents of registered pupils at the school.
- (3) The required minimum number of parents is the lower of the following—
  - (a) the parents of 10% of registered pupils, or
  - (b) the parents of 30 registered pupils.
- (4) For the purpose of subsection (3), the number of registered pupils is to be calculated by reference to the number of registered pupils on the day the petition is received.
- (5) The second condition is that the meeting requested is for the purpose of discussing a matter relating to the school.
- (6) The third condition is that, should a meeting be held, there would be no more than three meetings held under this section during the school year in which the petition is received.

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- (7) The fourth condition is that there are enough school days left in the school year for the requirement in subsection (8) to be complied with.
- (8) The meeting must be held before the end of a 25 day period.
- (9) For the purpose of subsection (8), the 25 day period—
  - (a) begins on the first day after the day on which the petition is received (subject to subsection (10)), and
  - (b) does not include any day which is not a school day.
- (10) If another meeting required to be held under this section as a result of a different petition (“the other meeting”) is held on a day during the 25 day period in subsection (9), but before the day on which the meeting is held, the 25 day period begins on the first day after the day on which the other meeting is held.
- (11) The meeting is to be open to—
  - (a) all parents of registered pupils at the school,
  - (b) the head teacher, and
  - (c) other persons invited by the governing body.
- (12) The governing body must, as soon as it reasonably can after receiving a petition that requires a meeting to be held, notify the parents of all registered pupils at the school in writing of the date of the meeting and the matter to be discussed.
- (13) In exercising its functions under this section, the governing body of a maintained school must have regard to guidance given by the Welsh Ministers.

**95 Repeal of duty to hold annual parents’ meeting**

Section 33 of the Education Act 2002 is repealed.

*Code of practice on local authority school relations*

**96 Repeal of provision for code of practice for local authority school relations**

Section 127 of the School Standards and Framework Act 1998 (code of practice for securing effective relationships between local authorities and maintained schools in Wales) is repealed.