

Explanatory Memorandum to The Education (School Day and School Year) (Wales) (Amendment) Regulations 2025

This Explanatory Memorandum has been prepared by the Education Directorate and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Education (School Day and School Year) (Wales) (Amendment) Regulations 2025. I am satisfied that the benefits justify the likely costs.

Lynne Neagle MS
Cabinet Secretary for Education

25 June 2025

PART 1

1. Description

- 1.1 The Education (School Day and School Year) (Wales) (Amendment) Regulations 2025 (“the 2025 Regulations”) make provision for schools to have an additional in-service training (INSET) day in the 2025-2026 school year for the purpose of training or preparation and planning in relation to key education reforms.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 None.

3. Legislative background

- 3.1 The Education (School Day and School Year) (Wales) Regulations 2003 (“the 2003 Regulations”) make provision about the length of the school day and for schools to meet for at least 380 sessions during any school year.
- 3.2 The 2003 Regulations were made under sections 551 and 569(4) and (5) of the Education Act 1996.
- 3.3 Regulation 4(1) of the 2003 Regulations provides that every day on which a school meets is to be divided into 2 sessions which are to be separated by a break in the middle of the day unless exceptional circumstances make this undesirable. Regulation 4(2) of the 2003 Regulations provides that at least 380 school sessions must be held at a school during any school year (excluding nursery schools).
- 3.4 Regulation 5 makes provision for additional school training days.
- 3.5 The 2025 Regulations amend the 2003 Regulations and are subject to the negative procedure.

4. Purpose and intended effect of the legislation

- 4.1 The education system in Wales has faced significant challenges over the last 4 years due to the disruption caused to education as a result of the Covid-19 pandemic. In addition, significant reforms relating to children and young people with additional learning needs (ALN) and a new Curriculum for Wales have been introduced. There is a need to reinforce a system-wide universal engagement with preparation and awareness of the implications of the new Curriculum for Wales, ALN reforms, and ensuring equity in education - and we recognise the need to provide time for all practitioners to be able to do this.

- 4.2 INSET days were first introduced in the 1980s and are a series of 5 days on which learners do not attend school, but the staff are required to attend for training. The entitlement to 5 non-teaching/INSET days (for a teacher employed full-time) forms part of the statutory School Teachers' Pay and Conditions (Wales) Document ("the STPC(W)D"), which sets out the total number of days on which a teacher must be available for work within a school year, including the number of those days which must be teaching and non-teaching INSET days.
- 4.3 In 2019 we introduced an additional INSET day for 3 school years to support practitioners to prepare for the new curriculum. We recognise that these additional days were heavily impacted by the Covid-19 pandemic and often needed to focus on developing practitioners' skills to teach remotely or in a blended way. However, the skills developed during the pandemic continue to support practitioners to deliver on our national priorities, particularly in the context of our improving attendance and developing community focussed schools.
- 4.4 Following a further consultation period, in January 2023 the then Minister for Education and Welsh Language laid the Education (School Day and School Year) (Wales) (Amendment) Regulations 2023. The Regulations provided for a further additional INSET day which was additional to those 5 INSET days provided for by the STPC(W)D for a further 3 school years (2022/23, 2023/2024 and 2024/25). For those school years there was a total of up to 6 INSET days available.
- 4.5 Recent reports call for additional time for practitioners to undertake training or to plan and prepare for the implementation of our key reforms. Those reports include:
- [Research on the early implementation of Curriculum for Wales: Wave 2 report](#), September 2023.
 - Children, Young People and Education Committee [Summary of findings from school visits](#), Summer 2024.
 - [A strategic review of the structure of teachers' and leaders' pay and conditions in Wales](#), 2024.
- 4.6 The purpose of the 2025 Regulations is to allow maintained schools to use up to 2 school sessions (equivalent to 1 school day) in the 2025/2026

school year for the purpose of training or preparation and planning in relation to one or more of the following:

- reducing the impact of poverty on the progression and attainment of pupils at the school;
- the operation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 for pupils at the school;
- the curriculum to be provided at the school under Parts 2 and 3 of the Curriculum and Assessment (Wales) Act 2021;
- the assessment arrangements to be made under Part 4 of the Curriculum and Assessment (Wales) Act 2021.

4.7 This will enable schools to engage appropriately with these matters and to address school and staff development needs accordingly.

4.8 Further independent research has been commissioned to understand the impact of the additional INSET day; the Welsh Government is also working with Children in Wales to understand the impact on learning, and Estyn is currently undertaking a thematic review into Teaching in the Context of the Curriculum for Wales. Therefore the 2025 Regulations provide for an additional INSET day for a further school year while further evidence is collected on the efficacy of the additional day and the impact on learning. This research will be completed in January 2026.

5. Consultation

5.1 Given the nature of the change, which is to allow the continuation of an additional INSET day for a further school year, no public consultation has been undertaken. The additional INSET day has been in place for 6 years and therefore, the proposed additional INSET day is considered to be well bedded and understood. As such the proposed provision of a single additional INSET day is not considered controversial.

5.2 Whilst there is no statutory duty to consult prior to making the 2025 Regulations there has been stakeholder engagement with local authorities, the Children's Commissioner for Wales and other stakeholders such as Estyn and teaching unions who all agree that additional time is needed for our education practitioners to attend training or to plan and prepare in relation to our extensive reforms. The additional INSET day will support our practitioners to improve teaching and learning for the benefit of our learners, and in line with our priority of improving school standards.

5.3 A full consultation will be undertaken on longer-term proposals once the further evidence, as outlined in paragraph 4.8, is available.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Options

- 6.1 We are proposing to provide additional time to support practitioners and ensure that they have time to access training or to plan and prepare in relation to our key education reforms and priorities. The following options were identified:

Option 1: Business as usual. This would see INSET days remaining at 5 and practitioners' undertaking their professional learning during the time currently available.

Option 2: Amend the 2003 Regulations to provide for 1 additional INSET day per year for the 2025/2026 school year and all subsequent school years.

Option 3: Amend the 2003 Regulations to provide for an additional INSET day for just 1 further school year (2025/2026) while longer-term options are considered.

- 6.2 The provision for the existing 5 INSET days form part of teachers' pay and conditions and are included within the Working Time section of the statutory STPC(W)D. This requires full time teachers to usually be employed for 195 days per year - of which no more than 190 must be days teaching pupils. The other 5 days have traditionally been INSET days. Teachers are also required to work "such reasonable additional hours as may be necessary to enable the effective discharge of the teacher's professional duties", though these hours are determined by the teacher themselves.
- 6.3 The function of setting teachers' pay and conditions were devolved to the Welsh Ministers in 2018 and a new annual process was established to consider both teachers' pay and conditions moving forward. These changes are specifically related to achieving our policy objectives of supporting practitioners in the development of the curriculum, ALN reform and equity in education. They reflect a separate and specific policy response to the need to ensure that practitioners continue their professional learning and are fully up to date, rather than consideration of wider terms and conditions. We also want to maintain clarity around this change and any other changes brought in specifically for teachers under the auspices of the Independent Welsh Pay Review Body (IWPRB).

7. Costs and Benefits

Option 1: Business as usual

- 7.1 This would see INSET days remaining at 5 days set out in the STPC(W)D and practitioners' undertaking their professional learning during the time currently available.

Costs

- 7.2 This is the baseline option and as such there are no additional financial costs associated with this option. Schools would remain open to pupils, and practitioners would need to identify alternative methods of working together as a whole school and collaboratively with partners.
- 7.3 However, this option carries a high degree of risk and opportunity cost. If the additional time, which practitioners and head teachers have been vocal that they need, is not given then we risk practitioners' not being up to date and not implementing our key education reforms. This would impact upon the delivery of the Curriculum for Wales in particular and consequently on the outcomes for children and young people who will not benefit fully from these reforms.
- 7.4 It is relevant that schools have had a total of 6 INSET days for the last 6 years. That includes the additional INSET day. The additional INSET day has started to be embedded into teachers' annual professional development. If the additional INSET day is not provided for the 2025/2026 school year potentially this could introduce a cost as schools would need to pay to release time for practitioners to offer this additional training during the school term and other allocated time.

Benefits

- 7.5 The benefits of this approach would be a potential small cost saving to parents compared to the last 6 school years (2019 to 2025) as schools would retain their current 5 INSET days provided for by the STPC(W)D and children and young people would not lose a day's teaching. The cost saving to parents would result from not having to provide childcare for the additional INSET day or potentially losing pay if they take a day off work to care for their child. Keeping the current number of INSET days has no net impact on those children who are eligible for free school meals (eFSM) as children can continue to access their free school meal during all current days of term time. This is positive in terms of ensuring access to a healthy, nutritious meal for learners and reducing costs to parents who would otherwise have to feed their children at home.
- 7.6 However, these benefits are very short term, and we believe the increase in the risk to the delivery of the curriculum and other education priorities offsets these benefits.

Option 2: Amend the 2003 Regulations to provide for 1 additional INSET day per year for the 2025/2026 school year and all subsequent school years for the purpose of training or planning and preparation in relation to our key education reforms.

Costs

- 7.7 This option would not create additional costs for the education system in terms of school costs, including teacher and teaching assistants' pay, as it would take place on a day when schools would have been open to pupils. There might be a small cost associated in ensuring teaching assistants are able to attend INSET but this is difficult to quantify as terms and conditions of employment differ depending on the local authority area and the job role and responsibilities.
- 7.8 We believe the main impact would be upon children and families, particularly those on lower incomes. In considering the options, we have been conscious of the current economic context, with rising living costs. The impact on children as a group would be short term as there would be a collective missed day of school for children and young people. However, in the long term this additional INSET day would enable the successful delivery of the new curriculum and other reforms, improving the standard and breadth of education they receive.
- 7.9 There would be a cost, although difficult to quantify, both in terms of time and money for working families, where either childcare or annual leave is used to cover the time for an additional INSET day. While some may be able to draw upon family member support for childcare, we know that other parents/carers would need to pay for this additional childcare. The additional days have been in place since 2019 although the pandemic may have minimised the impact due to more parents/carers working from home or working flexibly.
- 7.10 Data on the cost of both registered and unregistered childcare, during both term time and holiday periods, is limited. The Welsh Government [Review of the Childcare Sector in Wales](#) (2018) gives a description of some of these limitations with different data sources.
- 7.11 Additional information can be gathered through Childcare Sufficiency Assessments (CSAs), which are completed by local authorities every 5 years. Providers are not obliged to share their rates with local authorities, but the CSAs show significant variation in costs between those that have done so. CSAs are also informed by a large-scale survey of parents, and data from the 2022 CSA parent survey show significant variation in costs, typically ranging from £10-£200 per week. This range is informed by differences in hours of childcare used as well as differences in charges by providers.
- 7.12 This picture is further complicated given that evidence shows demand for paid for childcare varies significantly geographically, by child age, and parent employment status (see for instance, Welsh Government National Survey data which evidences variations). Furthermore, ad hoc formal childcare can be difficult to find and access. INSET days, by definition, are in school term time and while they might precede or follow school holidays it is likely holiday clubs may not be open. As well as using holiday clubs, parents may also use activity clubs as de facto childcare, which further distorts data on formal childcare demand.

- 7.13 The impact on lower income families with both parents/carers working is harder to mitigate, but there are some actions which we can take to try to reduce the impact. Schools would be advised to carefully consider the timing of the day to minimise disruption to parents/carers, for example adding on to a half term. In addition, schools would be advised to give parents/carers as much notice as possible of planned INSET days to allow them time to make any necessary arrangements.
- 7.14 In addition to potential childcare costs, adding an additional INSET day means that on that day, learners in primary settings are not able to access a healthy, nutritious free school meal. For some learners this may be the only hot, balanced meal they have access to in a day. It also passes the cost of providing a meal back to the family on those days which could have an impact, particularly in the context of increased living costs.
- 7.15 However, the free school meals policy change has positively impacted most households with primary school age children. Therefore, we believe that efforts have been made to negate costs for families in the main, and having an additional INSET day would not negatively impact the overall food costs for families.
- 7.16 Therefore, on balance, the impact on learners of not being able to access food provision on 1 of 190 school days (in addition to the existing 5 INSET days) is outweighed by the benefits to their education from introducing the additional INSET day.
- 7.17 The proposal is intended to affect the lives of children and young people positively; ensuring their teachers and those leading their schools are ready and confident to deliver our education reforms. There is a need to reinforce a system-wide universal engagement with preparation and awareness of the implications of Curriculum for Wales, ALN reforms, and ensuring equity in education. For those learners from lower income backgrounds, allowing teachers time to engage in training focussed on tackling poverty and setting high aspirations for all would have positive benefits.
- 7.18 By providing the additional NSET it will provide dedicated time for teachers and schools to use to engage in professional learning, we should see improved outcomes for our learners in the long term. The education workforce unions have also called for practitioners to be given more time for professional learning.
- 7.19 Children and young people with ALN, or those living in poverty or who are experiencing adverse childhood experiences at home may experience a more significant impact, for example missing out on the structure of the school day or additional support.

- 7.20 The data for attendance in schools for the 2024-25 school year shows a slight improvement in the national average.¹ However, persistent absence has grown compared with the data in 2018/19. Out of the number of permanently absent pupils in 2023/24, 53.3% of them were eligible for FSM. This could be a consideration when adding an additional INSET day to the school calendar.
- 7.21 It is impossible to assess if losing a day of school for INSET purposes has negative impact on overall attendance trends in learners. Negative learning outcomes will usually be connected with long-term and persistent absences. In actual fact, many older learners will be engaged in independent learning during these INSET days and this can present a positive outcome for learners.
- 7.22 There might be some administrative costs, to be borne by the Welsh Government, relating to the development of resources for schools to use during the additional INSET day. Any costs associated with developing specific materials for the INSET days would be met from within the existing Welsh Government budgets. The Welsh Government is in the process of establishing a National Professional Learning and Leadership Support Body, which will bear the on-going costs for the development of future resources, funded from Welsh Government budgets.
- 7.23 There might be some savings for schools in relation to home to school travel costs.

Benefits

- 7.24 The Welsh Government is committed to developing a national approach to career-long professional learning which is embedded in evidence-based research and effective collaboration. This is supported by an annual investment of over £35 million in the delivery of professional learning opportunities for education practitioners in recent years.
- 7.25 To deliver our shared national commitment to truly transform education in Wales, it is vital that education practitioners are supported in their career-long development and professional learning. The Welsh Government is committed to the [National Professional Learning Entitlement](#) (NPLE) which sets out our clear expectations of what every professional in Wales should be entitled to. The NPLE sets out how the continued development of practitioners will support the schools or settings in which they work and their learners to realise the four purposes of Curriculum for Wales, supporting learners with ALN and embedding equity, well-being and the Welsh language across the whole-school community. The additional INSET day would therefore align with the NPLE.

¹ [Attendance of pupils in maintained schools: 2 September 2024 to 25 April 2025 | GOV.WALES](#)

7.26 As set out in paragraph 4.8, recent reports provide evidence for the continuing need for an additional INSET day. However, further independent research has been commissioned to better understand the impact of the additional INSET day.

Option 3 - Amend the 2003 Regulations to provide for an additional INSET day for just 1 further school year (2025/2026) while longer-term options are considered

Costs

7.27 Similarly to option 2, this option would not create additional costs for the education system in terms of school costs, teacher and teaching assistants pay, as the additional INSET days would take place on days when schools would have been open to pupils.

7.28 Many of the same considerations as those set out above apply to this option, but to a lesser extent as it would be for 1 school year only.

Benefits

7.29 Similarly to Option 2, providing the additional INSET day for a further school year would support education practitioners in their career-long development and professional learning with a view to improving outcomes for learners. Recent reports provide evidence for the continuing need for an additional INSET day and further independent research has been commissioned to better understand the impact of the additional INSET day.

Outcome

7.30 Having weighed the costs and benefits, the option chosen was Option 3; to use subordinate legislation to provide 1 additional INSET day for the 2025/26 school year.

7.31 Recent reports provide sufficient evidence for continuing the additional INSET day for a further year as the implementation of our key reforms is still in its infancy. However, Welsh Government does not have sufficient evidence to make the additional INSET day permanent (i.e. to provide for 2025/2026 school year and all subsequent school years) and has commissioned independent research to support longer-term proposals. There is sufficient information to conclude though that is a benefit to providing for an additional INSET day for the 2025/2026 school year) but that a further evaluation would need to be undertaken before making a decision for subsequent school years.

8. Competition Assessment

8.1 Not applicable.

9. Post implementation review

9.1 This is a short-term legislative change for the 2025/26 school year. As stated above, independent research has been commissioned to understand the impact of the additional INSET day; the Welsh Government is also working with Children in Wales to understand the impact on learning, and Estyn is currently undertaking a thematic review into Teaching in the Context of the Curriculum for Wales. This further evidence will inform the post implementation review and any future proposals.