WELSH STATUTORY INSTRUMENTS

2012 No. 2655 (W.287)

EDUCATION, WALES

The Collaboration Between Education Bodies (Wales) Regulations 2012

Made - - - -	*22 October 2012*
Laid before the National Assembly for Wales - -	*23 October 2012*
Coming into force - -	*16 November 2012*

The Welsh Ministers, in exercise of the powers conferred on them by sections 6(1) and (2) and 32 of the Education (Wales) Measure 2011(**1**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Collaboration Between Education Bodies (Wales) Regulations 2012 and they come into force on 16 November 2012.

(2) These Regulations apply in relation to Wales.

Revocation

2. The following regulations are revoked—

(a) the Collaboration Between Maintained Schools (Wales) Regulations 2008(**2**); and

(b) the Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008(**3**).

Interpretation

3.—(1) In these Regulations—

"chief education officer" ("*prif swyddog addysg*") means a person appointed to that post pursuant to section 532 of the Education Act 1996(**4**);

(**1**) 2011 nawm 7.
(**2**) S.I.2008/168 (W.21).
(**3**) S.I. 2008/3082 (W.271).
(**4**) 1996 c. 56 as amended by the Children Act 2004 (c. 31) paragraph 4(1) and (2) of Schedule 2 and by S.I. 2010/1158.

"the Federation of Maintained Schools Regulations" ("*y Rheoliadau Ffedereiddio Ysgolion a Gynhelir*") means the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010(**5**);

"the Government of Maintained Schools Regulations" ("*y Rheoliadau Llywodraethu Ysgolion a Gynhelir*") means the Government of Maintained Schools (Wales) Regulations 2005(**6**);

"head teacher" ("*pennaeth*") means a head teacher of a school the governing body of which is a collaborating education body;

"instrument and articles" ("*offeryn ac erthyglau*") in relation to a further education body, means the instrument and articles of government in force under section 22 or 29 of the Further and Higher Education Act 1992(**7**), as the case may be;

"local authority member" ("*aelod awdurdod lleol*") means a person who is appointed by a local authority to be a member of a joint committee;

"non governor member" ("*aelod nad yw'n llywodraethwr*") means a person who is appointed by a joint committee as a member of it but who is not a member of a collaborating governing body, or a further education body and is not a local authority member;

"the principal" ("*y penadur*") means the principal of a collaborating further education body or any person acting as principal; and

"the Staffing of Maintained Schools Regulations" ("*y Rheoliadau Staffio Ysgolion a Gynhelir*") means the Staffing of Maintained Schools (Wales) Regulations 2006(**8**).

(2) Any reference in these Regulations to a further education body is a reference to a body described in section 1(c) and (d) of the Education (Wales) Measure 2011.

(3) Any reference in these Regulations to a governing body is a reference to a governing body of a maintained school.

(4) Any reference in these Regulations to a school is a reference to a maintained school.

Delegation of functions to a joint committee by education bodies

4.—(1) Where the collaborating education body is a—

(a) governing body, that body may only delegate such functions to a joint committee as may be delegated to a committee under regulation 50 of the Government of Maintained Schools Regulations or regulation 59 of the Federation of Maintained Schools Regulations;

(b) further education body, that body may only delegate such functions to a joint committee as may be delegated to a committee under the relevant provisions of its instrument and articles; or

(c) local authority, that body may only delegate such functions to a joint committee as may be delegated to a committee under its constitution.

(2) An education body may not delegate to a joint committee in accordance with these Regulations any of its functions in relation to—

(a) the appointment and dismissal of, and taking disciplinary action against, persons employed under a contract of employment by a local authority;

(b) the dismissal of, and taking disciplinary action against, persons employed under a contract of employment by a further education body;

(**5**) S.I. 2010/638 (W.64).
(**6**) S.I. 2005/2914 (W.211) as amended by S.I. 2005/3200 (W.236), S.I. 2006/873 (W.81), S.I. 2007/944 (W.80), S.I. 2009/2544 (W.206), S.I. 2010/638 (W.64), S.I. 2010/1142 (W.101) and S.I. 2010/2582 (W.216).
(**7**) 1992 c. 13.
(**8**) S.I. 2006/873 (W.81) as amended by S.I. 2007/944 (W.80), S.I. 2009/2544 (W.206), S.I. 2009/3161 (W.275) and S.I. 2010/1142 (W.101).

(c) the dismissal of, and taking disciplinary action against, school staff in the Staffing of Maintained Schools Regulations; or

(d) pupil or student discipline.

(3) Where a further education body delegates any of its functions which relate to individual members of the further education body's staff to a joint committee, the relevant provisions of the instrument and articles apply to the discharge of such functions.

(4) For the purposes of these Regulations, in regulations 50 to 52 of the Government of Maintained Schools Regulations and regulations 59 to 61 of the Federation of Maintained Schools Regulations—

(a) "committee" ("*pwyllgor*") means a joint committee established in accordance with these Regulations;

(b) "governor" ("*llywodraethwr*") means a member excluding a non governor member of a joint committee established in accordance with these Regulations; and

(c) "head teacher" ("*pennaeth*") means a head teacher of any of the schools the governing body of which is a collaborating education body.

Establishment of joint committees

5.—(1) The collaborating education bodies must determine, and review annually, the constitution, terms of reference and (subject to regulation 7) membership of any joint committee they decide to establish.

(2) The quorum for a meeting of the joint committee and for any vote on any matter at such a meeting is one half (rounded up to a whole number) of the membership of the joint committee excluding any vacancies and any members suspended from that meeting in accordance with regulation 8.

(3) A joint committee must appoint a chair annually and may remove its chair from office at any time.

(4) A joint committee must elect a member of that joint committee to act as chair in the absence of the chair appointed under paragraph (3).

(5) The following may not act as a chair of a joint committee—

(a) a person who is employed to work at a school, the local authority or a further education body,

(b) a registered pupil of a school, or

(c) a student undertaking a full time or part time course of study of further education at a further education body.

(6) The membership of a joint committee may include non governor members and the extent to which such members are entitled to vote is to be determined by the joint committee.

(7) Non governor members must not make up the majority of members on a joint committee excluding associate pupil governors.

Clerks to joint committees

6.—(1) A joint committee must appoint a clerk and may remove the clerk from office at any time.

(2) A joint committee may, if the clerk fails to attend one of its meetings, appoint any one of its members to act as a clerk for the purposes of that meeting.

(3) The clerk appointed under paragraph (1) or (2) must not be—

(a) a head teacher; or

(b) a principal.

(4) The clerk must—

(a) convene meetings of the joint committee;

(b) attend meetings of the joint committee and ensure that minutes of the proceedings are drawn up; and

(c) perform any other functions determined by the joint committee.

Non governor members

7.—(1) A non governor member will continue in office until removed in accordance with regulation 5(1) or paragraph (5).

(2) Any person who is disqualified from holding office as a governor under regulation 24 of, and paragraphs 2 to 12 of Schedule 5 to, the Government of Maintained Schools Regulations or under regulation 32 of, and paragraphs 2 to 12 of Schedule 7 to, the Federation of Maintained Schools Regulations is disqualified from holding, or continuing to hold, office as a non governor member of a joint committee.

(3) Subject to paragraphs (4) and (5) the collaborating education bodies must determine the voting rights of non governor members.

(4) A non governor member must not vote on any resolution concerning—

(a) an individual pupil or member of staff if the non governor member was excluded under regulation 8(2) from that part of the meeting during which it was considered;

(b) the budget and financial commitments of a collaborating education body; or

(c) admissions.

(5) A joint committee may remove a non governor member from office at any time.

Right of persons to attend meetings of joint committees

8.—(1) Subject to regulation 10 and to the Schedule the following persons are entitled to attend any meeting of a joint committee—

(a) any member of the joint committee, provided that the member is not a member of a governing body who has been suspended in accordance with regulation 49 of the Government of Maintained Schools Regulations or regulation 58 of the Federation of Maintained Regulations;

(b) a head teacher, whether or not that head teacher is a member of the joint committee;

(c) a principal of a collaborating further education body, whether or not that person is a member of the joint committee;

(d) the clerk to the joint committee;

(e) the chief education officer of a local authority which has a collaborating education body in its area or that person's representative; and

(f) such other persons as the joint committee may determine.

(2) A joint committee may exclude a non governor member from any part of its meeting when the business under consideration concerns—

(a) an individual member of staff,

(b) an individual pupil or student, or

(c) admissions.

(3) A joint committee may exclude a local authority member from any part of its meeting when the business under consideration concerns an—

(a) individual member of staff, or

(b) individual pupil or student.

Proceedings of joint committees

9.—(1) The clerk must convene meetings of the joint committee and, when exercising this function, the clerk must comply with any direction given by—

(a) the joint committee; or

(b) the chair of the joint committee, so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(2) Where a clerk has not been appointed, joint committee meetings must be convened by the chair who, when exercising this function, must comply with any direction given by the joint committee.

(3) The clerk must provide the information referred to in paragraph (4) to—

(a) each member of the joint committee; and

(b) the head teachers and principals of the collaborating education bodies (whether or not they are members of the joint committee).

(4) The information that must be provided in accordance with paragraph (3) is—

(a) written notice of the meeting;

(b) a copy of the agenda for the meeting; and

(c) any reports or other papers to be considered at the meeting.

(5) Subject to any direction given in accordance with paragraph (1), the information set out in paragraph (4) must be given at least five clear days in advance of the meeting.

(6) Where the chair of the joint committee so determines on the ground that there are matters demanding urgent consideration, it will be sufficient if the written notice of the meeting states that fact and the notice, agenda and reports or other papers to be considered at the meeting are given within such shorter period as the clerk directs.

(7) The proceedings of a joint committee are not invalidated by—

(a) any vacancy among its number; or

(b) any defect in the appointment of any member of the joint committee.

(8) No vote on any matter may be taken at a meeting of a joint committee unless the majority of members of the joint committee present are members of a collaborating education body excluding non governor members.

(9) Every question to be decided at a meeting of a joint committee must be determined by a majority of the votes of the members of the joint committee present and voting on the question.

(10) Where there is an equal division of votes the person who is acting as chair for the purposes of the meeting has a second or casting vote, provided that person is a member of a collaborating education body excluding non governor members.

Restrictions on persons taking part in proceedings

10.—(1) In this regulation and in the Schedule "relevant person" ("*person perthnasol*") means—

(a) a member of the joint committee,

(b) a head teacher (whether or not that person is a member of the joint committee),