WELSH STATUTORY INSTRUMENTS

2009 No. 572 (W.54)

EDUCATION, WALES

The Changing of School Session Times (Wales) Regulations 2009

Made - - - -	*9 March 2009*
Laid before the National Assembly for Wales - -	*10 March 2009*
Coming into force - -	*1 April 2009*

In exercise of the powers conferred on them by sections 32 and 210 of the Education Act 2002 [F1], the Welsh Ministers make the following Regulations:

F1 c.32. Sections 32 and 210 were amended by section 21 of the Learner Travel (Wales) Measure 2008 (2008 nawm 2).

Title, commencement and application

1.—(1) The title of these Regulations is the Changing of School Session Times (Wales) Regulations 2009 and they come into force on 1 April 2009.

(2) These Regulations apply in relation to Wales.

Revocation

2. The Changing of School Session Times (Wales) Regulations 2000 [F2] are revoked.

F2 S.I. 2000/2030 (W.143).

Procedure for changing school session times by local education authority

3.—(1) Where a local education authority propose to issue a notice under section 32(6) of the Education Act 2002 to the governing body of a school, it must—

(a) before taking any of the actions mentioned in paragraphs (b) to (f), consult the governing body, the head teacher and all the other staff of the school;

(b) prepare a statement—

(i) indicating that it proposes to make a change in the school's session times,

(ii) specifying the proposed change and when it is proposed that it should take effect,

(iii) giving details of the date, time and place of the meeting which it is required to hold by virtue of paragraph (e) and explaining that those unable to attend the meeting may submit written comments on the proposed change before the meeting takes place;

(c) produce that statement and any annex in such language or languages (in addition to Welsh or English), if any, as it considers appropriate;

(d) take such steps as are reasonably practicable to secure—

(i) that the parents of all registered pupils at the school are given (free of charge) a copy of the statement not less than two weeks before the meeting which it is required to hold by virtue of paragraph (e), and

(ii) that copies of the statement are available for inspection (at all reasonable times and free of charge) at the school during the two week period immediately preceding that meeting;

(e) provide an opportunity for discussion of the proposal at a meeting which is open to—

(i) all parents of registered pupils at the school,

(ii) the head teacher and all the other staff of the school,

(iii) members of the governing body,

(iv) such other persons as the local education authority may invite;

(f) consider any written comments submitted in accordance with paragraph (b)(iii) and any comments made at the meeting on the proposal before determining whether any change in those times should be made and (if so) whether the proposal should be implemented with or without any modification.

(2) Subject to paragraph (3), if the local education authority determines to implement the proposed change (with or without modification), it must, not less than three months before any change is to take effect—

(i) inform the governing body and head teacher of the change and of when it is to take effect, and

(ii) take such steps as are reasonably practicable to secure that the parents of all registered pupils at the school are so informed.

(3) A change in the times of a school session must only be made so as to take effect at the beginning of a school year.

(4) The proceedings of any meeting held by virtue of paragraph (1)(e) are to be under the control of the local education authority.

Modifications etc. (not altering text)

C1 Regs. 3, 4: power to disapply conferred (temp.) by 2020 c. 7, **Sch. 17 para. 7(5)(n)** (with ss. 88-90) (as inserted (25.6.2020 at 12.00 p.m.) by The Maintained Schools (Amendment of paragraph 7 of Schedule 17 to the Coronavirus Act 2020) (Wales) Regulations 2020 (S.I. 2020/640), regs. 1(2), **2(2)** (with regs. 3, 4))

Procedure for changing school session times by governing body

4.—(1) Where the governing body of a community, voluntary controlled or community special school or maintained nursery school propose to make any change in the times of the school sessions (or, if there is only one, the school session), it must—

(a) before taking any of the actions mentioned in paragraphs (b) to (g), consult the local education authority, the head teacher and all the other staff of the school;

(b) prepare a statement—

(i) indicating that it proposes to make a change in those times,

(ii) specifying the proposed change and when it is proposed that it should take effect,

(iii) drawing attention to any comment on the proposal included as an annex to the statement by virtue of paragraph (c) and including such response to the comment as it may consider appropriate, and

(iv) giving details of the date, time and place of the meeting which it is required to hold by virtue of paragraph (f) and explaining that those unable to attend the meeting may submit written comments on the proposed change before the meeting takes place;

(c) if so required by the local education authority, include as an annex to that statement such written comment on the proposal as the authority may provide for that purpose;

(d) produce that statement and any annex in such language or languages (in addition to Welsh or English), if any, as it considers appropriate or as the local education authority may direct;

(e) take such steps as are reasonably practicable to secure—

(i) that the parents of all registered pupils at the school are given (free of charge) a copy of the statement and any annex not less than two weeks before the meeting which the governing body is required to hold by virtue of paragraph (f), and

(ii) that copies of the statement and any annex are available for inspection (at all reasonable times and free of charge) at the school during the two week period immediately preceding that meeting;

(f) provide an opportunity for discussion of the proposal at a meeting which is open to—

(i) all parents of registered pupils at the school,

(ii) the head teacher and all the other staff of the school, and

(iii) such other persons as the governing body may invite;

(g) consider any written comments submitted in accordance with paragraph (b)(iv) and any comments made at the meeting on the proposal before determining whether any change in those times should be made and (if so) whether the proposal should be implemented with or without any modification.

(2) Subject to paragraph (3), if the governing body determine to implement the proposed change (with or without modification), it must, not less than six weeks before any change in those times is to take effect—

(i) inform the local education authority of the change and of when it is to take effect, and

(ii) take such steps as are reasonably practicable to secure that the parents of all registered pupils at the school are so informed.

(3) Where the change concerns —

(a) the times at which the first school session is to begin or the second school session is to end (or both), or

(b) if there is only one school session, the time it is to begin or end (or both),

the period referred to in paragraph (2) must not be less than three months.

(4) A change in the times of a school session must only be made so as to take effect—

(a) where paragraph (3) applies, at the beginning of a school year; and

(b) in all other cases, at the beginning of a school term.