WELSH STATUTORY INSTRUMENTS

2008 No. 3082 (W.271)

EDUCATION, WALES

The Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008

Made - - - -	*28 November 2008*
Laid before the National Assembly for Wales - -	*2 December 2008*
Coming into force - -	*31 December 2008*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by section 166 of the Education and Inspection Act 2006(**1**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008 and they come into force on 31 December 2008.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the 1992 Act" ("*Deddf 1992*") means the Further and Higher Education Act 1992(**2**);

"the 2006 Act" ("*Deddf 2006*") means the Education and Inspections Act 2006;

"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;

"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 1992 Act, as the case may be;

"institution" ("*sefydliad*") means an institution which the further education body is established to conduct in exercise of its powers under the 1992 Act;

(**1**) 2006 c. 40. The functions of the National Assembly for Wales under this section were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
(**2**) 1992 c. 13.

"the principal" ("*y penadur*") means the principal of an institution or any person acting as principal;

"the Government of Maintained Schools Regulations" ("*y Rheoliadau Llywodraethu Ysgolion a Gynhelir*") means the Government of Maintained Schools (Wales) Regulations 2005(**3**); and

"the Staffing of Maintained Schools Regulations" ("*y Rheoliadau Staffio Ysgolion a Gynhelir*") means the Staffing of Maintained Schools (Wales) Regulations 2006(**4**).

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

Collaboration between schools and further education bodies

3.—(1) A governing body, whether alone or together with other governing bodies, may make collaboration arrangements with one or more further education bodies, subject to regulations 50 to 52 of the Government of Maintained Schools Regulations.

(2) A further education body, whether alone or together with other further education bodies, may make collaboration arrangements with one or more governing bodies, subject to the provisions of their instrument and articles.

(3) A further education body may make collaboration arrangements with one or more further education bodies, subject to the provisions of their instrument and articles.

(4) Where a governing body makes collaboration arrangements in accordance with paragraph (1) in respect of any of their functions relating to individual members of the school staff, the Staffing of Maintained Schools Regulations apply to the discharge of such functions.

(5) Where a further education body makes collaboration arrangements in accordance with paragraphs (2) or (3) in respect of any of their functions relating to individual members of the institution's staff, the relevant provisions of the instrument and articles apply to the discharge of such functions.

(6) Subject to paragraph (7), where collaborating bodies make arrangements in accordance with paragraphs (1), (2) or (3), they may also delegate the discharge of any of their functions to a joint committee established by them.

(7) Where the collaborating 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;

(b) a 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.

(8) For the purposes of these Regulations, in regulations 50 to 52 of the Government of Maintained Schools Regulations—

(a) "committee" ("*pwyllgor*") means a joint committee established in accordance with paragraph (6);

(b) "governor" ("*llywodraethwr*") means a member of any of the collaborating governing bodies; and

(c) "head teacher" ("*pennaeth*") means the head teacher of any of the schools.

(**3**) S.I.2005/2914 (W.211) as amended by the Staffing of Maintained Schools (Wales) Regulations 2006/873 (W.81), the School Councils (Wales) Regulations 2005/3200 (W.236) and by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007/944 (W.80).

(**4**) S.I. 2006/873 (W.81) as amended by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007/944 (W.80).

Establishment of joint committees

4.—(1) The collaborating bodies must determine, and review annually, the constitution, terms of reference and (subject to regulation 6) 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 7.

(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) No person who is employed to work at the school or the further education body, nor a registered pupil of the school or the further education body, may act as chair of a joint committee.

(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) The majority of members on any joint committee must be governors.

Clerks to joint committees

5.—(1) A joint committee must appoint a clerk (who must not be a head teacher or a principal) 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 (who is not a head teacher or a principal) to act as clerk for the purposes of that meeting.

(3) 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

6.—(1) A non governor member will continue in office until removed in accordance with regulation 4(1) or 6(7).

(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 is likewise disqualified from holding, or continuing to hold, office as a non governor member of a joint committee.

(3) Subject to paragraphs (4), (5) and (6), the collaborating governing 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 (not falling within sub-paragraphs (5)(a) or (5)(b)) or member of staff if the non governor member was excluded under regulation 7(2) from that part of the meeting during which it was considered;

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

(c) staff discipline;

(d) staff dismissal; or

(e) appeals resulting from any issue of staff discipline or staff dismissal.

(5) A non governor member may not be a member of any joint committee which is to consider any resolution concerning—

(a) admissions; or

(b) pupil discipline.

(6) A non governor member must not vote on any other business transacted by a joint committee unless he or she was aged 18 or over at the date of his or her appointment.

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

Right of persons to attend meetings of joint committees

7.—(1) Subject to regulation 9 and to the Schedule the following persons are entitled to attend any meeting of a joint committee—

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

(b) a head teacher of a collaborating body, whether or not he or she is a member of the joint committee;

(c) a principal of a collaborating body, whether or not he or she is a member of the joint committee;

(d) the clerk to the joint committee; and

(e) 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 an individual member of staff, or an individual pupil or student.

(3) Paragraphs 1(b) and 1(c) do not apply in relation to the committees referred to in regulations 55 and 56 of Government of Maintained Schools Regulations or in relation to any joint committee or selection panel exercising any function under regulations 9 to 34 of the Staffing of Maintained Schools Regulations.

Proceedings of joint committees

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

(a) the joint committee;

(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) Subject to any direction given in accordance with paragraph (1), at least five clear days in advance the clerk must give to each member of the joint committee, the local education authority and to the head teachers and principals of the collaborating bodies (whether or not they are members of the joint committee)—

(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;