WELSH STATUTORY INSTRUMENTS

2007 No. 3066 (W.263)

EDUCATION, WALES

The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007

Made - - - -	*23 October 2007*
Laid before the National Assembly for Wales - -	*26 October 2007*
Coming into force - -	*12 December 2007*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 197, 210 and 214 of the Education Act 2002(**1**) and now vested(**2**) in them make the following Regulations:

Title, commencement and application

1. The title of these Regulations is The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007 and they come into force on 12 December 2007.

2. These Regulations apply in relation to Wales.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires —

"1996 Act" ("*Deddf 2006*") means the Education Act 1996(**3**);

"1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**4**);

"2002 Act" ("*Deddf 2002*") means the Education Act 2002;

"2005 Act" ("*Deddf 2005*") means the Education 2005(**5**);

"relevant circumstances" ("*amgylchiadau perthnasol*") means the circumstances set out in Column 1 of the Table in Schedule 2;

(**1**) 2002 c. 32.
(**2**) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
(**3**) 1996 c. 56.
(**4**) 1998 c. 31.
(**5**) 2005 c. 18.

"relevant date" ("*dyddiad perthnasol*") means the date set out in the entry corresponding to each relevant circumstance in Column 2 of the Table set out in Schedule 2;

"school" ("*ysgol*") means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"statement" ("*datganiad*") means a statement drawn up by a local education authority under section 197(3) of the 2002 Act.

(2) In these Regulations a reference to a numbered regulation or Schedule without more is to the regulation or Schedule in these Regulations bearing that number.

Partnership agreements

4. Subject to section 197(3) of the 2002 Act, a local education authority must enter into a partnership agreement with the governing body of each school maintained by that local education authority.

5. A partnership agreement must set out how the local education authority and the governing body of a school maintained by the local education authority are to discharge their respective functions in relation to the school as regards the matters set out in Schedule 1.

6. The first partnership agreement must be entered into on or before 31 March 2008.

7. If, on or before 31 March 2008 or on or before 1 September in any subsequent year, a partnership agreement has not been entered into nor a statement drawn up in respect of a school maintained by a local education authority, a partnership agreement must next be entered into in respect of that school on or before 1 September in the following year.

Review of partnership agreements and statements

8. The parties to a partnership agreement must review and, may revise the partnership agreement —

(a) within the period of three years beginning with the day the partnership agreement was first entered into; and

(b) subsequently at intervals of no more than three years from the previous review.

9. Where a local education authority has drawn up a statement it must review and, and may revise the statement —

(a) within the period of three years beginning with the day the statement was first sent to the governing body; and

(b) subsequently at intervals of no more than three years from the previous review.

10. Subject to regulation 11, where relevant circumstances arise in respect of a school, the local education authority and the governing body of the school must review, and may revise any existing partnership agreement or statement within the period of six months after the relevant date.

11. Where, before a review of a partnership agreement or statement under regulation 10 has been completed, further relevant circumstances arise in respect of a school, the local education authority and the governing body are only required to conclude a single review which must be completed within the period of one year after the relevant date in respect of the later of the relevant circumstances to arise, this being also the relevant date for the purposes of regulations 12 and 13.

12. Where, following a review of a partnership agreement under regulation 10,

(a) a revised partnership agreement is not to be entered into, and

(b) a statement is not to be drawn up,

the local education authority and the governing body are next required to review, and may revise the partnership agreement within the period of four years after the relevant date and subsequently at intervals of no more than three years from the previous review.

13. Where, following a review of a statement under regulation 10,

(a) a partnership agreement is not to be entered into, and

(b) a revised statement is not to be drawn up,

the local education authority and the governing body are next required to review, and may revise the statement within the period of four years after the relevant date and subsequently at intervals of no more than three years from the previous review.

Jane Hutt
Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers.

23 October 2007

SCHEDULE 1

Regulation 5

Contents of partnership agreement

A partnership agreement must set out how the local education authority and the governing body of a school maintained by the local education authority are to discharge their respective functions in relation to the school as regards the matters set out below:

1. In relation to all schools maintained by a local education authority—

(a) the exercise by a local education authority of its functions under section 13A(**6**)*(Duty to promote high standards in primary and secondary education)* of the 1996 Act in relation to the support the local education authority will offer to the governing body where—

(i) the local education authority has exercised its powers under sections 14(**7**)*(Powers of intervention exercisable by LEAs)*, 15(**8**)*(Cases where LEA may exercise powers of intervention)*, 16(**9**) (Powers of LEA to appoint additional governors), and 17(**10**)*(Power of LEA to suspend right to delegated budget)* of the 1998 Act; or

(ii) following an inspection of the school under Part 1 of the 2005 Act, the Chief Inspector has given the Welsh Ministers and the local education authority a notice under section 37(2) of the 2005 Act *(Duty to notify where an inspection shows maintained school causing concern)* in a case falling within subsection (1)(a) or (b) of section 37(2);

(b) the provision by the local education authority under section 22 *(Training and support of governors)* of the 2002 Act of training and support to governors;

(c) the provision of reports on a regular basis by the governing body of a school maintained by a local education authority under section 30(3)(**11**)*(Governors reports Wales and other information)* of the 2002 Act;

(d) the exercise by a local education authority or a governing body of functions under sections 2 *(General duties of their employers to their employees)*, 3 *(General duties of employers and self-employed to persons other than their employees)* and 4 *(General duties of persons concerned with premises to persons other than their employees)* of the Health and Safety at Work etc. Act 1974(**12**);

(**6**) Section 13A was inserted by section 5 of the 1998 Act.

(**7**) Section 14(1)(b) was amended by Schedule 9, paragraphs 14(1) and (2) of the 2005 Act. Section 14(1A) was inserted by Schedule 21, paragraph 92 of the 2002 Act. Section 14(3) was substituted by Schedule 5, paragraph 1 of the 2002 Act. Section 14(3) was amended by Schedule 9, paragraphs 14(1) and (2) of the 2005 Act. Section 14(4) was substituted by Schedule 9, paragraphs 14(1) and (3) of the 2005 Act.

(**8**) Section 15(4) was substituted by Schedule 9, paragraphs 15(1) and (2) of the 2005 Act. Section 15(5) was repealed by Schedule 123, paragraphs 15(1) and (3) and Schedule 19, Part 1 of the 2005 Act. Section 15(6) was substituted by Schedule 9, paragraphs 15(1) and (4) of the 2005 Act. Section 15(7) was inserted by Schedule 9, Paragraphs 1 and 78 of the Learning and Skills Act 2000 c. 21.

(**9**) Section 16(3) was substituted by Schedule 5, paragraphs 2(1) and (2) of the 2002 Act. Section 16(3) was amended by Schedule 9, paragraphs 16(1) and (2)(a) of the 2005 Act. Section 16(3)(a) was substituted by Schedule 9, paragraphs 16(1) and (2)(b) of the 2005 Act. Section 16(4) was repealed by Schedule 5, paragraphs 2(1) and (3) and Schedule 22, Part 3 of the 2002 Act. Section 16(5) was amended by Schedule 21, paragraphs 93(1) and (2) of the 2002 Act. Section 16(6)(a) was amended by Schedule 5, paragraphs 2(1) and (4) of the 2002 Act. Section 16(8)(a) was amended by Schedule 5, paragraphs 2(1) and (5)(a) of the 2002 Act. Section 16(8)(b) was substituted by Schedule 5, paragraphs 2(1) and (5)(b) of the 2002 Act. Section 16(9) was substituted by Schedule 5, paragraphs 2(1) and (6) of the 2002 Act. Section 16(9)(a) was amended by Schedule 9, paragraphs 16(1) and (3) of the 2005 Act. Section 16(10) was amended by Schedule 21, paragraphs 93(1) and (3) of the 2002 Act. Section 16(12A) was inserted by Schedule 5, paragraphs 2(1) and (7) of the 2002 Act. Section 16(13) was repealed by Schedule 5, paragraphs 2(1) and (8) and Schedule 22 Part 3.

(**10**) Section 17(3) was substituted by Schedule 5, paragraphs 3(1) and (2) of the 2002 Act. Section 17(3) was amended by Schedule 9, paragraph 18(a) of the 2005 Act. Section 17(3)(a) was substituted by Schedule 9, paragraph 18(b) of the 2005 Act. Section 17(4) was amended by Schedule 5, paragraphs 3(1) and (3) of the 2002 Act.

(**11**) Amended by section 103(1)(b) of the 2005 Act.

(**12**) 1974 c. 37. Section 2(5) was repealed by the Employment Protection Act 1975, sections 116, 125(3), Schedule 15, paragraph 1, and Schedule 18. Section 2(7) was amended by the same provisions.