WELSH STATUTORY INSTRUMENTS

2005 No. 1910 (W.153)

EDUCATION, WALES

The Education (Review of Staffing Structure) (Wales) Regulations 2005

Made - - - -	*12 July 2005*
Coming into force - -	*14 July 2005*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 21(3) and 210(7) of the Education Act 2002(**1**) and in exercise of the powers conferred on the Secretary of State by paragraph 3 of Schedule 1 to the Education Act 1996(**2**) and now vested in the National Assembly for Wales(**3**), makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Review of Staffing Structure) (Wales) Regulations 2005 and they come into force on 14 July 2005.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations —

"the Document" ("*y Ddogfen*") means the document containing provisions relating to the statutory conditions of employment of school teachers in England and Wales (the School Teachers' Pay and Conditions Document, in force from time to time) and accompanying guidance prepared by the Secretary of State for Education and Skills, as in effect on the date on which the relevant body carries out its review pursuant to these Regulations(**4**);

"maintained school" ("*ysgol a gynhelir*") has the meaning given to that expression in section 39(1) of the Education Act 2002;

"pupil referral unit" ("*uned cyfeirio disgyblion*") has the meaning given to that expression in section 19(2) of the Education Act 1996;

(**1**) 2002 c. 32; for the definition of "regulations" *see* section 212(1).
(**2**) 1996 c. 56.
(**3**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672.
(**4**) The Document in effect as at the date on which these Regulations are made is that published by The Stationery Office Limited (ISBN 0-11-2711-634) and entitled "School Teachers' Pay and Conditions Document 2004 and Guidance on School Teachers' Pay and Conditions" in effect pursuant to the Education (School Teachers' Pay and Conditions) Order (No. 2) 2004 (S.I. 2004/2142 as amended by S.I. 2005/539 and 2005/1101) made under section 122 of the Education Act 2002.

"relevant body" ("*corff perthnasol*") means —

(a) in relation to a maintained school with a delegated budget, the governing body of the school, and

(b) in relation to a maintained school without a delegated budget, the local education authority that maintains the school;

"school teacher" ("*athro neu athrawes ysgol*") has the meaning given to that expression in section 122 of the Education Act 2002;

"staffing structure" ("*strwythur staff*") means the arrangements for the management and deployment of all staff at the school;

"support staff" ("*staff cymorth*") means any member of a school's staff other than a school teacher.

Duty of relevant body to review the school's staffing structure

3.—(1) The relevant body must review the school's staffing structure in accordance with this regulation.

(2) The relevant body must conduct the review with a view to ensuring that —

(a) the management and deployment of all staff, and

(b) the allocation of responsibilities and duties to all staff,

make effective use of its resources.

(3) In conducting the review, the relevant body must take into account —

(a) in relation to school teachers, the pay arrangements and the conditions of employment of teachers set out in the Document, and

(b) in relation to support staff, the implications for their grading and remuneration.

(4) In conducting the review, the relevant body must consider any advice given by the head teacher in accordance with regulation 4 below.

(5) During the conduct of the review the relevant body must consult —

(a) all staff;

(b) representatives of recognised trade unions; and

(c) such other persons as the relevant body considers appropriate.

(6) On or before 31 March 2006 the relevant body must —

(a) determine its review of the staffing structure, and

(b) prepare a plan (an "implementation plan") showing how it intends to implement any changes to the staffing structure.

(7) An implementation plan must include —

(a) a timetable for implementation, and

(b) the date by which any changes to the staffing structure will be fully implemented, being no later than 31 December 2008.

(8) Where the relevant body is the governing body, the duty to review the school's staffing structure is without prejudice to the general principles and the respective roles and responsibilities of governing bodies and head teachers set out in the School Government (Terms of Reference) (Wales) Regulations 2000(**5**).

(**5**) S.I. 2000/3027 (W.195) as amended by S.I. 2002/1396 (W.138).