

2007 No. 3066 (W. 263)

EDUCATION, WALES

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose duties upon all local education authorities in Wales in respect of all schools maintained by them including maintained nursery schools, but excluding pupil referral units. These Regulations also impose duties on the governing bodies of such schools.

Under these Regulations, local education authorities are required to enter into individual partnership agreements with the governing bodies of such schools. Where a local education authority and a governing body fail to reach an agreement, section 197(3) of the Education Act 2002 permits the local education authority to draw up a statement in relation to that school.

Any partnership agreement or statement must set out how the local education authority and the governing body of a school are to discharge their respective functions in relation to the school as regards certain specified matters set out in these Regulations.

These Regulations also provide for a partnership agreement or statement to be reviewed at set intervals or in prescribed circumstances.

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⁾;

(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.

“1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998(1);

“2002 Act” (“*Deddf 2002*”) means the Education Act 2002;

“2005 Act” (“*Deddf 2005*”) means the Education 2005(2);

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

“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.

(1) 1998 c.31.

(2) 2005 c.18.

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(1) (*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(2) (*Powers of intervention exercisable by LEAs*), 15(3) (*Cases where LEA may exercise powers of*

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- (1) Section 13A was inserted by section 5 of the 1998 Act.
 - (2) 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.
 - (3) 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.

intervention), 16(1) (*Powers of LEA to appoint additional governors*), and 17(2) (*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)(3) (*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(4);
- (e) the exercise by a local education authority of its functions to intervene under sections 14 (*Powers of intervention exercisable by LEAs*), 15 (*Cases where LEA may exercise powers of intervention*)

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- (1) 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.
 - (2) 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.
 - (3) Amended by section 103(1)(b) of the 2005 Act.
 - (4) 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.

and 16 (*Power to appoint additional governors*) of the 1998 Act;

- (f) the exercise by a governing body of its functions under section 40(2) (*Statement to be prepared by the local education authority*) of the 2005 Act;
- (g) the exercise by the local education authority and the governing body of a school of their respective functions under section 40(1) (*Control of school premises*) of, and Schedule 13 (*Control of school premises by governing bodies*) to, the 1998 Act in relation to the control of a school's premises;
- (h) the exercise by the governing body of its powers under section 27(2) (*Power of governing body to provide community facilities etc.*) of the 2002 Act.

2. In relation to a school which provides primary education—

- (a) the exercise by a local education authority of its functions under section 13A (*Duty to promote high standards in primary and secondary education*) of the 1996 Act and the exercise by a governing body of its functions under regulation 3(2) (*Transition plans*) of the Transition from Primary to Secondary School (Wales) Regulations 2006(3) in relation to the development of effective educational transition for pupils from the second key stage to the third key stage;
- (b) the setting by a local education authority of targets under regulations 3 and 4 (*Authorities to prepare and publish single education plan*) and Schedule 2 paragraph 7(2)(a), of the Single Education Plan (Wales) Regulations 2006(4);
- (c) the setting by a governing body of targets under regulation 4 (*Performance targets for pupils in the second key stage*) of the Education (School Performance and Absence Targets) (Wales) Regulations 1999(5).

3. In relation to a school which provides secondary education—

- (a) the exercise by a local education authority of its functions under section 13A (*Duty to promote high standards in primary and secondary education*) of the 1996 Act and the exercise by a governing body of its functions under regulation

(1) Section 40 was repealed by Schedule 22, Part 3 of the 2002 Act but that provision of the 2002 Act is not yet in force.

(2) Section 28(4A) and (4B) were inserted by section 188(3) of the Education and Inspections Act 2006 (c.40).

(3) S.I. 2006/520 (W.64).

(4) S.I. 2006/877 (W.82).

(5) S.I. 1999/1811, as amended by S.I. 2004/2914 (W.253).

- 3(2) (*Transition plans*) of the Transition from Primary to Secondary School (Wales) Regulations 2006 in relation to the development of effective educational transition for pupils from the second key stage to the third key stage and from the third key stage to the fourth key stage;
- (b) the setting by a governing body of targets under regulation 7 (*Absence targets*) of the Education (School Performance and Absence Targets) (Wales) Regulations 1999(1);
 - (c) the setting by a local education authority of targets under regulations 3 and 4 (*Preparation and publication of single education plans*) and Schedule 2 paragraph 7(2)(a) to (f) of the Single Education Plan (Wales) Regulations 2006.

4. In relation to a school which provides secondary education, other than a community special school, a foundation special school or a school situated in a hospital, the setting by a local education authority of targets under regulations 3 and 4 (*Preparation and publication of single education plans*) and Schedule 2 paragraphs 3 and 4 (*Matters to be dealt with in single education plans*) and of the Single Education Plan (Wales) Regulations 2006.

5. In relation to a school which provides secondary education, other than a school situated in a hospital, the setting by a local education authority of targets under regulation 3 (*Preparation and publication of single education plans*) and Schedule 2 paragraph 5 (*Matters to be dealt with in single education plans*) of the Single Education Plan (Wales) Regulations 2006.

6. In relation to a voluntary aided school, the local education authority's duty under section 22(5)(2) (*Duty of LEA to maintain a voluntary aided school*) of the 1998 Act of defraying all the expenses of maintaining the school except any expenses that by virtue of paragraph 3 of Schedule 3 (*Funding of voluntary, foundation and foundation special schools*) of the 1998 Act are payable by the governing body.

7. In relation to a school which is not a voluntary aided school, the local education authority's duty under section 22(3) (*Duty of LEA to maintain a community school, a community special school or a maintained nursery school*) or section 22(4)(3) (*Duty of LEA to maintain a foundation, voluntary controlled or foundation special school*), as appropriate, of the 1998 Act, of defraying all the expenses of maintaining the school.

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- (1) Regulation 7 was substituted by S.I. 2006/125 (W.18), regulation 2(1)(4).
 - (2) Section 22(5)(a) was amended by Schedule 21, paragraphs 96(1) and (4) of the 2002 Act.
 - (3) Section 22(4)(b) was amended by Schedule 21, paragraph 96(1) and (3) of the Education Act 2002.

SCHEDULE 2

Regulation 3(1)

Renewal and revision of partnership agreement

Table

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| The Chief Inspector has given a local education authority and the Welsh Ministers notice in writing under section 37(2) (<i>Duty to notify where an inspection shows a maintained school is causing concern</i>) of the 2005 Act. | The date of the notice. |
| A local education authority under section 16(1) (<i>Power of LEA to appoint additional governors</i>) of the 1998 Act appoints such number of additional governors as it thinks fit. | The date of the appointment or appointments. |
| The Welsh Ministers give a direction under section 19(1)(1) (<i>Power of the Welsh Ministers to direct disclosure</i>) of the 1998 Act to a local education authority requiring a school maintained by the local education authority to be discontinued. | The date of the direction. |
| The Welsh Ministers under section 113A(5A)(a) (<i>Restructuring of sixth form education</i>) of the Learning and Skills Act 2000 Act(2) confirm, with or without modification or subject to the occurrence of an event, proposals made by the Welsh Ministers under section 113A(4)(b) and (c) of that Act. | The date of the approval. |

(1) Section 19(1) was substituted by section 45 of the 2005 Act.

(2) 2000 c.21. Section 113A was inserted by section 2 of the 2002 Act.

The Welsh Ministers under paragraph 8(1) (*Approval of school reorganisation proposals*) of Schedule 6 (*Statutory proposals: procedure and implementation*) to the 1998 Act approve proposals published under sections 28(2) (*Proposals for establishment or alteration of community, foundation or voluntary school*) or 31(3) (*Proposals for establishment, alteration or discontinuance of community or foundation special school*) of the 1998 Act to make any of the alterations contained in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of Schedule 2 (*Alterations for which proposals must be published*) to the Education (School Organisation Proposals) (Wales) Regulations 1999(4) and paragraphs 1, 2, 3 and 4 of Schedule 2A (*Alterations to nursery schools for which proposals must be published*) of those regulations in respect of a school maintained by an authority.

The date of the determination.

Where under paragraph 8 of Schedule 6 (*Approval of school reorganisation proposals*) to the 1998 Act the approval of the Welsh Ministers is not required, a local education authority or the governing body of a school has determined that proposals should be implemented where the proposals were published under sections 28 (*Proposals for establishment or alteration*

The date of the adoption or approval.

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- (1) Paragraph 8(4) was repealed by Schedule 5, Part 1 of the Children Act 2004 c.31.
 - (2) Section 28(2) was amended by Schedule 19, part 2 of the 2002 Act. Sections 28(2A) and (2B) were inserted by sections 64(1) and (3) of the 2005 Act.
 - (3) Section 31(4) was substituted by section 31(4A) to (4C) by section 71 of the 2005 Act.
 - (4) S.I. 1999/1671 as amended by S.I. 2004/908 (W.91).

of community, foundation or voluntary school) or 31 (Proposals for establishment, alteration or discontinuance of community or foundation special school) of the 1998 Act to make any of the alterations contained in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of Schedule 2 (Alterations for which proposals must be published) to the Education (School Organisation Proposals) (Wales) Regulations 1999 and paragraphs 1, 2, 3 and 4 of Schedule 2A (Alterations to nursery schools for which proposals must be published) of those regulations in respect of a school maintained by a local education authority.

The Welsh Ministers under paragraph 14(1) of Schedule 7 (*Adoption of proposals by the Welsh Ministers*) to the 1998 Act adopt or approve proposals which affect a school maintained by a local education authority.

The date of the approval.

The Welsh Ministers under sections 28 (*Proposals for establishment or alteration of community, foundation or voluntary school) or 31 (Proposals for establishment, alteration or discontinuance of community or foundation special school) of the 1998 Act and paragraph 8 (Approval of proposals) of Schedule 6 (Procedure and implementation for statutory proposals) to that Act, as modified by the Change of Category of Maintained Schools (Wales) Regulations 2001(2) approve proposals published under paragraph 2 (Procedure for changing category of school) or 3*

The date of the approval.

(1) Paragraph 14 was amended by section 72 of the 2005 Act.
(2) S.I. 2001/2678 (W.219) as amended by S.I. 2005/2916 (W.213).

(Mandatory publication of proposals for voluntary aided school to change category) of Schedule 8 (Changes to category of school) to the 1998 Act.

A local education authority, under section 51 (*Suspension of financial delegation for mismanagement etc.*) of and paragraph 1 of Schedule 15(1) (*Suspension of financial delegation*) to the 1998 Act gives to the governing body of a school maintained by it notice of the suspension of the governing body's right to a delegated budget. The date of the notice.

(1) Paragraph 1 was amended by Schedule 3, paragraph 5 of the 2002 Act.