

2014 No. 1462 (W. 143)

EDUCATION, WALES

**The Education (Consultation on
School Term Dates) (Wales)
Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 32A to 32C were inserted into the Education Act 2002 by section 42 of the Education (Wales) Act 2014 and make provision in relation to fixing school term dates and school sessions for maintained schools in Wales.

Section 32B provides that the Welsh Ministers may direct a local authority or governing body of a voluntary aided or foundation school to determine such school term dates as are specified in the direction.

Before making any such direction section 32B(3) requires the Welsh Ministers to carry out such consultation as they think appropriate. Section 32B(4) further provides that the Welsh Ministers may make such provision about that consultation as they consider appropriate.

Accordingly, these Regulations set out the period and method of the consultation including when a consultation may not be required (regulation 3 and the Schedule) and who must be consulted (regulation 4).

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**The Education (Consultation on
School Term Dates) (Wales)
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Made 4 June 2014

Laid before the National Assembly for Wales

6 June 2014

Coming into force 2 September 2014

The Welsh Ministers in exercise of the powers conferred on them by sections 32B and 210 of the Education Act 2002(1) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Consultation on School Term Dates) (Wales) Regulations 2014 and they come into force on 2 September 2014.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

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

“appropriate diocesan authority” (“*awdurdod esgobaethol priodol*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

(1) 2002 c. 32. Section 32B was inserted by section 42 of the Education (Wales) Act 2014 (anaw 5). Section 210(7) was amended by section 21(3)(c)(i) and (ii) of the Learner Travel (Wales) Measure 2008 (nawm 2). The function of the National Assembly for Wales under section 210 was transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

“appropriate religious body” (*“corff crefyddol priodol”*) means—

- (a) in the case of a Church in Wales school or a Roman Catholic Church school, or proposed such school, the appropriate diocesan authority, and
- (b) in the case of other schools or proposed schools, the body representing the religion or religious denomination stated, or that it is intended to be stated, in relation to the school in an order under section 69(3) of the School Standards and Framework Act 1998.

Consultation

3.—(1) The period and method of the Welsh Ministers’ consultation must be in accordance with the table in the Schedule.

(2) In the case of doubt as to the date the Welsh Ministers received notice of the event or circumstances leading to the direction the date will be deemed to be such date as the Welsh Ministers reasonably determine.

(3) Where row 5 of the table in the Schedule applies the Welsh Ministers may determine that no such consultation will be carried out.

Persons to be consulted

4.—(1) Except where paragraph (2) applies the Welsh Ministers must consult on the direction in draft with—

- (a) all local authorities in Wales;
- (b) the governing bodies of all voluntary aided and foundation schools in Wales;
- (c) the governing bodies of 10% of all community, voluntary controlled and maintained nursery schools;
- (d) the Welsh Local Government Association;
- (e) the Association of Directors of Education in Wales;
- (f) the appropriate religious body for all maintained schools in Wales with a religious character;
- (g) the Catholic Education Service;
- (h) Her Majesty’s Inspectorate of Education and Training in Wales;
- (i) the Children’s Commissioner for Wales; and
- (j) all bodies representing the interests of members of staff of maintained schools in Wales.

(2) Where the Welsh Ministers carry out a consultation in accordance with row 5 of the table in the Schedule the Welsh Ministers must consult with such persons as they consider appropriate.

Huw Lewis

Minister for Education and Skills, one of the Welsh Ministers

4 June 2014

SCHEDULE Regulation 3

Period and method of consultation

| <i>Period of notice the Welsh Ministers have of the term dates affected by the events or circumstances leading to the direction</i> | <i>Period of consultation on the direction</i> | <i>Method of consultation on the direction</i> |
|---|---|---|
| 1 year or more | At least 12 weeks | By publication on the Welsh Government website and by such other means, if any, as the Welsh Ministers consider appropriate |
| 1 year or less but more than 6 months | At least 6 weeks | By publication on the Welsh Government website |
| 6 months or less but more than 3 months | At least 3 weeks | By publication on the Welsh Government website |
| 3 months or less but more than 4 weeks | At least 1 week | By publication on the Welsh Government website |
| 4 weeks or less | Such period of consultation, if any, as the Welsh Ministers reasonably consider appropriate | Such method of consultation, if any, as the Welsh Ministers consider appropriate |