

Explanatory Memorandum to the Collaboration Between Education Bodies (Wales) Regulations 2012.

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Collaboration between Education Bodies (Wales) Regulations 2012.

Leighton Andrews
22 October 2012

1. Description

These Regulations are intended to enable governing bodies of maintained schools, further education bodies (FEIs) and local authorities to work collaboratively through the establishment of joint committees. Joint committees will have the authority to take such decisions on behalf of each participating education body, in respect of those matters which are delegated to it. These matters are currently regulated through the Collaboration Between Maintained Schools (Wales) Regulations 2008 and the Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee.

There is no specific information which the Minister wishes to bring to the attention of the committee.

3. Legislative Background

The power to make the Collaboration Between Education Bodies (Wales) Regulations 2012 are contained in Section 6(2) and 32 of the Education (Wales) Measure 2011. Section 6 of the Education (Wales) Measure 2011 will commence on 16 November 2012. Section 32 is already commenced.

The powers to revoke the Collaboration Between Maintained Schools (Wales) Regulations 2008 are contained in Sections 19(3), 23, 26 and 210(7) of the Education Act 2002. The powers to revoke the Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008 are contained in Section 166 of the Education and Inspections Act 2006. These powers were conferred on the National Assembly for Wales and by virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006 are now vested in Welsh Ministers.

These Regulations are subject to the negative resolution procedure.

4. Purpose and intended effect of the legislation.

Joint committees between education bodies are a vehicle for collaboration. There are a number of matters on which education bodies may collaborate: 'front of house' services such as the sharing of teaching staff or facilities or 'back office' services where education bodies may share administrative staff or functions.

The Collaboration Between Maintained Schools (Wales) Regulations 2008 and the Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008 (together called "the current regulations") allow for the establishment of joint committees between maintained school governing bodies, between FEIs and between maintained

school governing bodies and FEIs. Under the current regulations, a local authority cannot undertake to establish a joint committee as an equal partner.

The Education (Wales) Measure 2011 places a duty on local authorities, as education bodies, to consider collaboration with maintained school governing bodies and FEIs, in respect of their education functions.

As the current regulations do not make provisions for local authority involvement in the establishment of joint committee, the Collaboration Between Education Bodies (Wales) Regulations 2012 will revoke and replace them..

It is intended that this will help avoid any confusion among education bodies with regards to determining what regulations should be used when forming joint committees and assist in the streamlining of collaborative processes.

5. Implementation

The Regulations are intended to come into force on 16 November 2012.

6. Consultation

The subject of collaboration, in general, was consulted on prior to the introduction of the Education (Wales) Measure 2011. The changes which will be effected by the proposed regulations are minimal and serve only to formally outline the role local authorities are included within the definition of 'education body' and have an equal responsibility to undertake collaboration. Therefore no additional consultation was carried out.

7. Regulatory Impact Assessment (RIA)

An RIA has not been undertaken as these Regulations do not create an additional regulatory burden. This is in line with Section 4.2 of the Welsh Ministers' RIA code which states that the Welsh Minister's policy is not to carry out an RIA *"Where routine technical amendments or factual amendments are required to update regulations etc. that have no major policy impact."*

Given the minimal effect of these Regulations and to non-mandatory nature of joint committees, it is considered that they do not have any effect relevant to the statutory duties at Sections 77-79 of the Government of Wales Act 2006, or to the Statutory partners (Sections 72-75) .