



# Education (Wales) Act 2014

2014 anaw 5

## PART 3

### MISCELLANEOUS PROVISION

#### *Term and holiday dates and times of school sessions*

#### **42 Dates of terms and holidays and times of school sessions**

After section 32 of the 2002 Act insert—

##### **“32A Responsibility for fixing term and holiday dates in Wales**

- (1) A local authority in Wales must determine the term dates for each community, voluntary controlled or community special school or maintained nursery school in its area.
- (2) A governing body of a foundation or voluntary aided school in Wales (a “relevant governing body”) must determine the term dates for its school.
- (3) In exercising its functions under subsection (1), a local authority must co-operate and co-ordinate with—
  - (a) each relevant governing body in its area, and
  - (b) every other local authority in Wales,to ensure that the term dates determined are the same (or as similar as can be) for every maintained school in Wales.
- (4) In exercising its functions under subsection (2), a relevant governing body must co-operate and co-ordinate with—
  - (a) the local authority, and
  - (b) every other relevant governing body in the local authority’s area,to ensure that the term dates determined are the same (or as similar as can be) for every maintained school in Wales.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Each local authority in Wales must notify the Welsh Ministers of the term dates which have been determined for a school year in respect of all the maintained schools in its area.
- (6) The Welsh Ministers may by regulations make provision about the requirements of notification under subsection (5) including, in particular, provision about—
  - (a) the form and content of notifications;
  - (b) the period in which notification must be given;
  - (c) the procedure for notification.
- (7) A local authority or a relevant governing body may alter the term dates which have been notified to the Welsh Ministers only if all the parties mentioned in subsection (8) agree to the alteration.
- (8) The parties are—
  - (a) the local authority,
  - (b) each relevant governing body in the local authority’s area, and
  - (c) the Welsh Ministers.
- (9) In this section—
  - “maintained school” means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;
  - “term dates” means the dates on which the school terms and holidays are to begin and end.

### **32B Welsh Ministers’ power to direct determination of term dates**

- (1) The Welsh Ministers may direct a local authority in Wales or a relevant governing body to determine such term dates for a maintained school in Wales as may be specified in the direction.
- (2) A direction under subsection (1) may, in particular—
  - (a) require different dates to be determined for different schools;
  - (b) be made in respect of such descriptions of schools as may be specified in the direction (for example, all community schools or all schools within a specified area);
  - (c) require the determination of different dates from those already determined or altered under section 32A.
- (3) Before making a direction under subsection (1) the Welsh Ministers must carry out such consultation as they consider appropriate.
- (4) The Welsh Ministers may, by regulations, make such further provision about such consultation as they consider necessary or expedient.
- (5) The Welsh Ministers must publish a direction under subsection (1) electronically.
- (6) In this section—
  - “maintained school” has the same meaning as in section 32A(9);

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“relevant governing body” means the governing body of a foundation or voluntary aided school in Wales;

“term dates” means the dates on which the school terms and holidays are to begin and end.

### **32C Responsibility for fixing times of school sessions in Wales**

- (1) Except in the circumstances described in subsection (2), a governing body of a maintained school must determine the times of the school sessions for the school.
- (2) The circumstances are—
  - (a) that the local authority in whose area the school is situated have given notice to the governing body that the times of the school sessions are to be determined in accordance with subsection (4), and
  - (b) that the notice has not been withdrawn by the local authority.
- (3) A local authority must not give a notice under this section unless they consider that a change in the times of the school sessions is necessary or expedient in order to—
  - (a) promote the use of sustainable modes of travel within the meaning of section 11 of the [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), or
  - (b) improve the effectiveness or efficiency of travel arrangements made, or to be made, by the authority under that Measure.
- (4) In the circumstances described in subsection (2)—
  - (a) where there are 2 sessions on the relevant school day—
    - (i) the local authority must determine the time each day at which the first school session starts and the second school session ends, and
    - (ii) the governing body must determine the time each day at which the first school session ends and the second school session starts,
  - (b) where there is one school session on the relevant school day the local authority must determine the time each day at which the school session starts and ends.
- (5) The Welsh Ministers may by regulations make provision—
  - (a) as to the procedure to be followed where the governing body of a community, voluntary controlled or community special school or maintained nursery school proposes to make any change in the time of the school sessions;
  - (b) as to the implementation of any such proposal;
  - (c) for enabling the local authority to determine, for any purposes of the regulations, whether any person is to be treated as a parent of a registered pupil at the school;
  - (d) as to the procedure to be followed where the local authority propose to give a notice under this section;
  - (e) as to the form and content of such a notice;
  - (f) as to the implementation of a determination made under subsection (4).

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(6) A local authority must have regard to any guidance given by the Welsh Ministers when giving a notice under subsection (2) or discharging any function conferred by this section or regulations made under it.

(7) In this section—

“maintained school” means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“the times of the school sessions” means the times at which each of the school sessions or, if there is only one, the school session, is to begin and end on any day.”.

*Her Majesty’s Inspectorate of Education and Training in Wales*

**43 Her Majesty’s Inspectorate of Education and Training in Wales**

In section 19 of the [Education Act 2005 \(c. 18\)](#) (Her Majesty’s Inspectorate of Education and Training in Wales), omit subsection (6) (Welsh Ministers to advise Secretary of State on recommendations to Her Majesty on the exercise of powers of appointment and removal under subsections (1), (2) and (4)(c)).

*Local authority education functions - intervention*

**44 Local authority education functions exercisable by the persons directed**

(1) The 2013 Act is amended as follows.

(2) In section 25 (power to require performance of functions by other persons on behalf of authority), after subsection (3), insert—

“(4) If a direction under subsection (2) is in force, the functions of the local authority to which it relates are to be treated for all purposes as being exercisable by the specified person.”.

(3) In section 26 (power to require performance of functions by Welsh Ministers or nominee), after subsection (3), insert—

“(4) If a direction under subsection (2) is in force, the functions of the local authority to which it relates are to be treated for all purposes as being exercisable by the Welsh Ministers or their nominee.”.