

SCHEDULE 1

ENACTMENTS APPLYING (WITH OR WITHOUT MODIFICATIONS) IN RELATION TO UNITS

PART 2

Subordinate Legislation

The Local Education Authority (Payment of School Expenses) Regulations 1999

12. Regulation 2 of the Local Education Authority (Payment of School Expenses) Regulations 1999⁽¹⁾ applies in relation to a pupil attending a unit as it applies in relation to a child attending a community, foundation, voluntary or special school.

The Education (School Inspection) (Wales) Regulations 2006

13.—(1) Parts 1 and 2 of the Education (School Inspection) (Wales) Regulations 2006⁽²⁾ apply in relation to units as if they were maintained schools to which section 28 of the Education Act 2005 applies, with the following modifications.

(2) For the definition of “appropriate authority” in regulation 4(1), there is substituted “the local education authority”.

(3) In regulation 7(1), sub-paragraphs (a) to (d) are omitted.

(4) Regulation 7(1)(f) applies to units as it applies to secondary schools.

The Staffing of Maintained Schools (Wales) Regulations 2006

14.—(1) Part 1 of the Staffing of Maintained Schools (Wales) Regulations 2006⁽³⁾ applies in relation to units as it applies in relation to schools referred to in regulation 3 with the following modifications.

(2) The duty under regulation 4(1) is a duty of the local education authority.

(3) In regulation 5—

(a) in paragraph (1), “15, 26 and 27” are omitted;

(b) in paragraph (2), sub-paragraphs (b) and (c) are omitted; and

(c) paragraph (3) is omitted.

(4) Regulation 6 is omitted.

(5) In regulation 7, paragraphs (4)(a) and 5 are omitted.

15.—(1) Part 2 of those Regulations applies in relation to units as it applies in relation to schools referred to in regulation 9 with the following modifications.

(2) For regulation 10, there is substituted—

“(a) The local education authority must ensure that whenever there is a vacancy in the post of teacher in charge of the unit a person is appointed as acting teacher in charge in order to carry out the functions of the teacher in charge under any enactment.

(1) S.I.1999/1727.

(2) S.I. 2006/1714 (W. 176).

(3) S.I. 2006/873 (W. 81).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) In determining whether a person is suitable for appointment as a teacher in charge, or an acting teacher in charge, of a unit, the local education authority must have regard to any guidance given from time to time by the National Assembly.”.
- (3) Regulation 11 is omitted.
- (4) For regulation 12, there is substituted—
 - “(a) In appointing a person to a post, or engaging a person otherwise to work, at a unit, the local education authority must have regard to any guidance given from time to time by the National Assembly.
 - (b) This regulation applies in relation to support staff posts and the work of support staff as it applies in relation to teaching posts and the work of teachers”.
- (5) Regulation 13 is omitted.
- (6) For regulation 14, there is substituted—

“In so far as it is reasonably practicable to do so, the local education authority must seek the advice of the teacher in charge of the unit, and must consider any advice given, before making any appointment or entering into any engagement under regulation 12.”.
- (7) Regulations 15 and 17 to 19 are omitted.
- (8) For regulation 16, there is substituted—
 - “(1) Both the local education authority and the teacher in charge of a unit have power to suspend any person employed, or engaged otherwise than under a contract of employment, to work at the school where, in the opinion of the authority or (as the case may be) the teacher in charge, suspension is required.
 - (2) A person who exercises the power to suspend must immediately inform the other person with the power to suspend under paragraph (1).
 - (3) A suspension under this regulation may be ended only by the local education authority and, when a suspension is ended, the authority must immediately inform the head teacher.
 - (4) In this regulation “suspend” means suspend without loss of emoluments.”.