

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 intervention*), 16(4) (*Powers of LEA to appoint additional governors*), and 17(5)(*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)(6)(*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(7);

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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.
 - (4) 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.
 - (5) 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.
 - (6) Amended by section 103(1)(b) of the 2005 Act.
 - (7) 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.

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- (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*) 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(8) (*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(9) (*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(10) 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(11);
 - (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(12).
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 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(13);
 - (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*) of the Single Education Plan (Wales) Regulations 2006.

(8) 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.

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

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

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

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

(13) Regulation 7 was substituted by S.I. 2006/125 (W.18), regulation 2(1)(4).

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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)(14) (*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)(15) (*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.

(14) Section 22(5)(a) was amended by Schedule 21, paragraphs 96(1) and (4) of the 2002 Act.

(15) Section 22(4)(b) was amended by Schedule 21, paragraph 96(1) and (3) of the Education Act 2002.