



Curriculum and Assessment (Wales) Act 2021

2021 asc 4

PART 6

SUPPLEMENTARY

Co-operation and facilitation

65 Duty to co-operate

- (1) A person within subsection (2) must seek to enter into co-operation arrangements with—
- (a) another person within that subsection, or
 - (b) the governing body of an institution in Wales within the further education sector,
- if the person considers that entering into such arrangements would facilitate the exercise of a function conferred on the person by or under this Act.
- (2) The persons are—
- (a) the head teacher of a maintained school or a maintained nursery school;
 - (b) the governing body of a maintained school or a maintained nursery school;
 - (c) a provider of funded non-maintained nursery education;
 - (d) the teacher in charge of a pupil referral unit;
 - (e) the management committee for a pupil referral unit;
 - (f) a local authority in Wales.
- (3) If a person seeks to enter into co-operation arrangements with another person in accordance with subsection (1), the other person must consider the request.
- (4) In this section, “co-operation arrangements” means—

Status: This is the original version (as it was originally enacted).

- (a) arrangements made in exercise of the powers of collaboration described in section 5 of the [Education \(Wales\) Measure 2011 \(nawm 7\)](#), or
- (b) arrangements of a similar kind made by or with—
 - (i) the head teacher of a maintained school or a maintained nursery school,
 - (ii) a provider of funded non-maintained nursery education,
 - (iii) the teacher in charge of a pupil referral unit, or
 - (iv) the management committee for a pupil referral unit.

66 Welsh Ministers' duty to facilitate the performance of functions

- (1) The Welsh Ministers must exercise their functions with a view to facilitating the performance of functions, by persons within subsection (2), that are conferred on them by or under Parts 2 to 4.
- (2) The persons are—
 - (a) the head teacher of a maintained school or a maintained nursery school;
 - (b) the governing body of a maintained school or a maintained nursery school;
 - (c) a provider of funded non-maintained nursery education;
 - (d) the teacher in charge of a pupil referral unit;
 - (e) the management committee for a pupil referral unit;
 - (f) a person who provides teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the [Education Act 1996 \(c. 56\)](#);
 - (g) a local authority in Wales.

67 Local authorities' duty to facilitate the performance of functions

- (1) A local authority in Wales must exercise its functions with a view to facilitating the performance of functions, by persons within subsection (2), that are conferred on them by or under Parts 2 to 4.
- (2) The persons are—
 - (a) the head teacher of a maintained school or a maintained nursery school that is maintained by the local authority;
 - (b) the governing body of a maintained school or a maintained nursery school that is maintained by the local authority;
 - (c) a provider of funded non-maintained nursery education secured by the local authority;
 - (d) the teacher in charge of a pupil referral unit maintained by the local authority;
 - (e) the management committee for a pupil referral unit maintained by the local authority.
- (3) Subsection (4) applies where a local authority makes arrangements under section 19A of the [Education Act 1996 \(c. 56\)](#) for the provision of education to a child otherwise than at—
 - (a) a maintained school or maintained nursery school that is maintained by the local authority, or
 - (b) a pupil referral unit that is maintained by the local authority.

- (4) The authority must exercise its functions with a view to facilitating the performance of their relevant functions by persons within subsection (5).
- (5) The persons are—
 - (a) where the child is provided with the education at a maintained school or a maintained nursery school that is maintained by another local authority, the head teacher and governing body of the school;
 - (b) where the child is provided with the education at a pupil referral unit that is maintained by another local authority, the teacher in charge of the unit, the management committee for the unit (if there is one) and that authority;
 - (c) where the education is provided for the child otherwise than at a maintained school or pupil referral unit, any person who provides it.
- (6) The “relevant functions” of a person within subsection (5) are the functions conferred on that person, by or under Parts 2 to 4, in respect of the education.