

**2009 No. 2708 (W. 226)**

**EDUCATION WALES**

**The Staffing of Maintained Schools  
(Wales) (Amendment) Regulations  
2009**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to the Staffing of Maintained Schools (Wales) Regulations 2006 by consolidating existing provisions and imposing new duties on governing bodies.

Regulation 5 of the Education (Review of Staffing Structure) (Wales) Regulations 2005 is revoked and restated in regulation 5A of the 2006 regulations with some amendments. The 2005 Regulations were seen as transitory measures which came to an end on 31 December 2008 with the exception of regulation 5. Regulation 5 provided that in managing the head teacher the governing body must have regard to the desirability of the head teacher being able to achieve a satisfactory work/life balance. The new regulation 5A ensures that this duty continues.

Regulation 5A also includes a new duty on governing bodies to ensure that head teachers comply with duties imposed on them by orders made by the Secretary of State under section 122 of the Education Act 2002. These duties are to be seen in the School Teachers Pay and Conditions Document.

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**The Staffing of Maintained Schools  
(Wales) (Amendment) Regulations  
2009**

*Made* 5 October 2009

*Laid before the National Assembly for Wales*

7 October 2009

*Coming into force* 2 November 2009

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 72 and 138(7) of the School Standards and Framework Act 1998<sup>(1)</sup> and the powers conferred on the National Assembly for Wales by sections 19(3), 21(3), 34(5), 35(4) and (5), 36(4) and (5) and 210(7) of the Education Act 2002<sup>(2)</sup>, and now vested in them, make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009 and they come into force on 2 November 2009.

(2) These Regulations apply in relation to Wales.

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(1) 1998 c. 31. Functions of the Secretary of State under section 72, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) 2002 c.32. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

## **Revocations**

2. Regulation 5 of the Education (Review of Staffing Structure) (Wales) Regulations 2005(1) is revoked.

## **Interpretation**

3. In these Regulations—

“2002 Act” (“*Deddf 2002*”) means the Education Act 2002.

## **Amendment to the Staffing of Maintained Schools (Wales) Regulations 2006**

4. After regulation 5 of the Staffing of Maintained Schools (Wales) Regulations 2006(2) insert the following text:

### **“Head teacher’s duties and entitlements**

5A.—(1) The governing body must ensure that the head teacher at the school —

- (a) complies with the duties imposed upon the head teacher; and
- (b) benefits from any entitlement conferred upon the head teacher

by any order under section 122 of the 2002 Act (teachers’ pay and conditions)(3).

(2) In discharging its duty under paragraph (1)(a), the governing body must have regard to the desirability of the head teacher being able to achieve a satisfactory balance between the time spent discharging the professional duties of a head teacher and the time spent by the head teacher pursuing personal interests outside work.”.

*Jane Hutt*

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

5 October 2009

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(1) S.I. 2005/1910 (W.153).

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

(3) An order under section 122 may be made by the Secretary of State.

