
WELSH STATUTORY INSTRUMENTS

2021 No. 209 (W. 51)

EDUCATION, WALES

The Education (Pupil Referral Units) (Management Committees etc.) (Wales) (Amendment) Regulations 2021

<i>Made</i>	- - - -	<i>26 February 2021</i>
<i>Laid before Senedd Cymru</i>		<i>2 March 2021</i>
<i>Coming into force</i>	- -	<i>1 September 2021</i>

The Welsh Ministers, in exercise of the powers conferred on them by section 569(4) and (5) of, and paragraph 15 of Schedule 1 to, the Education Act 1996⁽¹⁾, make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the Education (Pupil Referral Units) (Management Committees etc.) (Wales) (Amendment) Regulations 2021.

(2) These Regulations come into force on 1 September 2021.

Amendment to the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014

2. In the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014⁽²⁾, in regulation 22 (delegation of functions), after paragraph (2)(d) insert—

“(e) the authority’s functions by virtue of paragraph 1 of Schedule 1 to the Education Act 1996, where those functions are conferred by, or under, the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁽³⁾.”

(1) 1996 c. 56; see section 579(1) for the definition of “regulations”. Paragraph 15 of Schedule 1 was inserted by section 48 of the Education Act 1997 (c. 44), and amended by paragraph 184(c) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31), S.I. 2002/808 (W. 89), S.I. 2010/1158 and then by paragraph 9 of Schedule 13 to the Education Act 2011 (c. 21). The functions of the Secretary of State in Schedule 1 to the Education Act 1996 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) S.I. 2014/2709 (W. 270).

(3) 2018 anaw 2.

Status: This is the original version (as it was originally made).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

26 February 2021

Kirsty Williams
Minister for Education, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014 (“the 2014 Regulations”). The amendment is required as a result of the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (“the 2018 Act”).

Specifically, these Regulations amend regulation 22 of the 2014 Regulations (delegation of functions) to provide that a local authority must delegate the specified functions to a management committee of a pupil referral unit (“PRU”).

The specified functions are the functions of the governing body under the 2018 Act which, in accordance with paragraph 1 of Schedule 1 to the Education Act 1996 (“the 1996 Act”), are functions of the local authority in relation to a PRU.

Paragraph 15 of Schedule 1 to the 1996 Act provides that regulations may make provision requiring any local authority who maintains a PRU to establish a management committee for the PRU. The regulations may also make provision requiring a committee to discharge such of the authority’s functions in connection with the PRU as are delegated to them by the authority, in accordance with regulations.

The intention is for a management committee to have the same functions under the 2018 Act in relation to a PRU that a governing body does in relation to a maintained school. To ensure that only these functions are captured by the requirement to delegate, the amendment to regulation 22 made by these Regulations refers to governing body functions. This makes sure that no function which has been placed on the local authority directly by the 2018 Act is delegated to a management committee.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.