
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations keep in place and clarify existing arrangements made under the previous legislation which will be replaced by these new provisions from 1 September.

These Regulations provide for the appointment and dismissal of staff employed solely in connection with the provision of school meals at community, voluntary controlled and community special schools and (where such staff are employed by the LEA) foundation, voluntary aided and foundation special schools. The provisions of the School Standards and Framework Act 1998 in relation to school staffing come into effect on 1 September 1999. In the absence of Regulations relating to school meals staff, responsibility for their appointment, discipline, suspension and dismissal would fall to the governing body, regardless of whether or not they were employees of the local education authority, resulting in anomalies.

The practical effect of the Regulations is as follows. Where delegation has not been given to a governing body to provide school lunches, responsibilities will remain with the local education authority in consultation with the governing body. Where delegation has been given but the lunches are provided by the local education authority, responsibilities will rest with the authority in consultation with the governing body, but the governing body may require any person to cease to work at the school. Where the governing body provide school lunches themselves, they may require the local education authority to appoint; are responsible for discipline and may require the authority to undertake disciplinary measures beyond the governing body's powers; and require dismissal.

Changes to legislation:

There are currently no known outstanding effects for the The Education (School Meals Staff) (Wales) Regulations 1999.