
WELSH STATUTORY INSTRUMENTS

1999 No. 2802 (W.15)

EDUCATION, WALES

The Education (School Meals Staff) (Wales) Regulations 1999

Made - - - - *26th August 1999*

Coming into force - - *1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 54(1), 138(7) and (8) of, and paragraph 30 of Schedule 16 to, the School Standards and Framework Act 1998⁽¹⁾, and now vested in the National Assembly for Wales⁽²⁾, the National Assembly for Wales makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Education (School Meals Staff) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations apply only in relation to schools in Wales.

(3) In these Regulations —

“the Act” means the School Standards and Framework Act 1998;

“the authority” means the local education authority by which a school is maintained;

“school” means a community, voluntary controlled or community special school being a school having a delegated budget (within the meaning of Part II of the Act⁽³⁾);

“school meals staff” means persons employed or to be employed by an authority to work at a school solely in connection with the provision of meals.

“section 512A Order” means an order under section 512A(1) of the Education Act 1996⁽⁴⁾ imposing on the governing body of a school a duty corresponding to a duty of the authority mentioned in section 512A(2)(a) of that Act (duty to provide school lunches) or section 512(2) (b) of that Act (duty to provide school lunches free of charge).

(1) 1998 c. 31.

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) See section 49(7) of the Act.

(4) 1996 c. 56; section 512A was inserted by section 116 of the School Standards and Framework Act 1998. Two Orders have been made under this section – S.I. 1999/610 and S.I. 1996/1779.

Appointment, discipline, suspension and dismissal of school meals staff

2.—(1) Subject to regulations 3 and 4 and paragraph (2), the authority shall be responsible for the appointment, discipline, suspension and dismissal of school meals staff at a school.

(2) Before exercising any function under this regulation the authority shall consult the governing body of the school at which the member of school meals staff in question works to such extent as the authority think fit.

Appointment etc. of school meals staff at schools where governing body responsible for school meals but meals continue to be provided by local education authority

3.—(1) Where a section 512A Order is in force, but the governing body of a school to which the order applies have entered into an agreement with the authority that the authority shall supply lunches at the school, then the following paragraphs of this regulation shall apply.

(2) The authority shall, subject to paragraph (4), be responsible for the appointment, discipline, suspension and dismissal of school meals staff at the school.

(3) Before exercising any function under paragraph (2) the authority shall consult the governing body of the school to such extent as the authority think fit.

(4) Where the governing body determine that any member of the school meals staff should cease to work at the school they shall notify the authority in writing of their determination and of the reasons for it and the authority shall thereupon require that person to cease to work at the school.

Appointment etc. of school meals staff at schools where governing body responsible for school meals

4.—(1) Where a section 512A Order is in force, but the governing body of a school to which the Order applies have not entered into an agreement with the authority that the authority shall supply lunches at the school, then paragraphs 20 to 22 and 24-29 of Schedule 16 to the Act shall apply to the appointment, discipline, suspension and dismissal of school meals staff.

26th August 1999

Dafydd Elis Thomas
Presiding Officer National Assembly for Wales

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.