

## **REGULATORY APPRAISAL**

### **EDUCATION, WALES**

#### **THE FURTHER EDUCATION CORPORATIONS (PUBLICATION OF DRAFT ORDERS) (WALES) REGULATIONS 2007**

##### **Background**

1. The Education (Publication of Draft Proposal and Orders) (Further Education Corporations) (Wales) Regulations 2001, which prescribed the form, time and manner of publication of draft Orders establishing Further Education Corporations, were revoked by the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 . This means that there is currently no prescribed form, time or manner for the publication of Orders for the creation of further education (FE) corporations. The current legislative framework is, therefore, unclear as to exactly what the Assembly's obligations are, prior to the making of an Order under section 16 of the Further and Higher Education Act 1992.

##### **Purpose and intended effect of the measure**

2. These Regulations will reduce any ambiguity or confusion in relation to the Assembly's obligations prior to the making of an Order under section 16 of the Further and Higher Education Act 1992. They specify that a draft order to establish a FE corporation must be published no later than two months before the date specified for the establishment of a FE corporation. They also specify that the Order must be published in at least one newspaper that it is circulated in the local area in which the FE corporation is being established and that a notice is published in at least one conspicuous place in that particular area or, if the Order relates to an FE corporation that is already established, that a notice be placed on or near to the entrance of that institution.
3. The Regulations also state that any Order must state that a copy can be obtained free of charge from the National Assembly for Wales and that the Assembly must send a copy of the Order to the local education authority, the governing body of any institution within the FE sector or any maintained school and any other interested parties.

##### **Risk Assessment**

4. If these Regulations are not made, there would continue to be ambiguity in relation to the Assembly's obligations prior to the making of an Order under section 16 of the Further and Higher Education Act 1992.

##### **Options**

###### Option 1: Do Nothing

5. There will be continuing ambiguity in relation to the Assembly's obligations prior to the making of an Order under section 16 of the Further and Higher Education Act 1992.

### Option 2: Make the Legislation

6. These Regulations will provide clarity with regard to the form, time and manner of publication of draft Orders establishing Further Education Corporations.

### **Benefits**

7. There will be clear procedures, which will have to be followed when publishing draft Orders for the establishment of FE Corporations. These will include making the Order at least two months before establishing a FE corporation and making sure that the Order is widely publicised in the local area affected.

### **Costs**

8. There are no additional financial implications for the Assembly or for the FE sector arising from these Regulations. If consideration were given to the creation of an FE corporation, advice on any financial implications would be provided at that time. However, there are no current plans to create an FE corporation, so these Regulations are required solely to ensure that the prescribed form, time and manner for the publication of Orders for the creation of FE Corporations is established.

### **Consultation**

#### With Stakeholders

9. A public consultation was not considered necessary on these Regulations, because they simply reinstate the publication requirements, which were previously prescribed in the Education (Publication of Draft Proposal and Orders) (Further Education Corporations) (Wales) Regulations 2001). These Regulations won't have any specific impact on the FE sector, so it was not considered necessary to inform them of these Regulations.

#### With Subject Committee

10. These Regulations were notified to the Education and Lifelong Learning Committee, via the list of forthcoming legislation, on 7 December 2006 (ELLS(2)-16-06 (p.6), item no: ELL-38-06) and have remained ever since. The Regulations were not identified for detailed scrutiny.

### **Review**

11. These Regulations will be reviewed in spring 2008 to determine whether any amendment is required.

### **Summary**

12. These Regulations will ensure clarity with regard to procedures for publishing draft Orders establishing Further Education Corporations.