

2012 No. 2532

EDUCATION, ENGLAND

**The Education (Educational Provision for Improving Behaviour)
(Amendment) Regulations 2012**

<i>Made</i> - - - -	<i>4th October 2012</i>
<i>Laid before Parliament</i>	<i>11th October 2012</i>
<i>Coming into force</i> - -	<i>1st January 2013</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 29A(3)(b) and (4) and 210 (7) of the Education Act 2002(a).

Citation and commencement

1. These Regulations may be cited as the Education (Educational Provision for Improving Behaviour) (Amendment) Regulations 2012 and come into force on 1st January 2013.

Amendment of the Education (Educational Provision for Improving Behaviour) Regulations 2010

2. The Education (Educational Provision for Improving Behaviour) Regulations 2010(b) are amended as follows.

3. In regulation 3, omit paragraph (5).

4. In regulation 4(1) for sub-paragraph (a), substitute—

“(a) holding review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate; and”

5. After regulation 4 insert—

“Persons who may request a review meeting

4A.—(1) Where a governing body have imposed a requirement upon a pupil under section 29A(1) of the 2002 Act—

(a) the relevant person; and

(b) in a case where a statement of special educational needs is maintained for the pupil, the local authority maintaining that statement,

may request a review meeting.

(a) 2002 c. 32. Section 29A was inserted in the Education Act 2002 (“2002 Act”) by section 154 of the Education and Skills Act 2008 c. 25. For the definition of “regulations” see section 212(1) of the 2002 Act.

(b) S.I. 2010/1156.

(2) A request for a review meeting under paragraph (1)(a) or (b) must be made in writing to the governing body.

(3) Where a request is made under paragraph (1) (a) or (b) the governing body must carry out a review meeting, in accordance with regulation 5, as soon as reasonably practicable.

(4) There is no requirement on the governing body to carry out a review meeting following a request under paragraph (1)(a) or (b) if there has been a review meeting during the period of 10 weeks preceding the day on which the request is made.”

6. In regulation 6 (notification of the outcome of review), for “regulation 4(b)” substitute “regulation 4(1)(b)”.

7. Omit regulation 7 (notices, invitations and notifications).

4th October 2012

Elizabeth Truss
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Educational Provision for Improving Behaviour) Regulations 2010 (“the Principal Regulations”) which impose requirements relating to the exercise of the powers of governing bodies of maintained schools, to require pupils to attend provision away from the school premises for the purpose of receiving education to improve the pupil’s behaviour (“off-site provision”) under section 29A(1) of the Education Act 2002.

The Principal Regulations provide that a pupil may only be required to attend off-site provision until the end of the academic year in which the requirement is imposed. Additionally they provide that the requirement to attend off-site provision must be reviewed by the governing body at least every thirty days.

The Regulations amend the Principal Regulations to provide that the requirement to attend off-site provision may continue beyond the academic year in which the requirement was imposed, and the governing body must hold review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate, rather than specifically every thirty days. The parent (or pupil who has attained the age of 18), and the local authority where a statement of special educational needs is maintained for the pupil will be able to request (in writing) a review meeting. Governing bodies will be required to comply with a request if a review meeting has not taken place in the previous 10 weeks.

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. The instrument has no impact on the public sector.

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