

STATUTORY INSTRUMENTS

**2010 No. 1156**

**2012 No. 2532**

EDUCATION, ENGLAND

The Education (Educational Provision for  
Improving Behaviour) Regulations 2010  
The Education (Educational Provision for  
Improving Behaviour) (Amendment) Regulations  
2012

*Made*

*31st March 2010*

*Laid before Parliament*

*7th April 2010*

*Coming into force*

*1st September 2010*

*Made*

*4th October 2012*

*Laid before Parliament*

*11th October 2012*

*Coming into force*

*1st January 2013*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 29A and 210(7) of the Education Act 2002<sup>(1)</sup>.

## Citation, commencement and application

1. These Regulations may be cited as The Education (Educational Provision for Improving Behaviour) Regulations 2010 and come into force on 1st September 2010.

## Interpretation

2. In these Regulations—

“the 2002 Act” means the Education Act 2002;

“provider” means the person making educational provision intended to improve the behaviour of a pupil;

“pupil” means a registered pupil;

“the relevant day” means the first school day on which a pupil is required under section 29A(1) of the 2002 Act to attend at a place outside the school premises for the purpose of receiving educational provision intended to improve the behaviour of the pupil;

“relevant person” means—

- (a) in relation to a pupil under the age of 18, a parent of the pupil,
- (b) in relation to a pupil who has attained that age, the pupil;

“review meeting” means a meeting held for the purpose of keeping under review a requirement imposed upon a pupil under section 29A(1) of the 2002 Act.

## Requirements and other matters relating to the imposition of a requirement upon a pupil under section 29A(1) of the 2002 Act

### 3.

- (1) Where a governing body determine that they will impose a requirement on a pupil under section 29A(1) of the 2002 Act, they must give the persons prescribed in paragraph (3) a notice in writing of the imposition of the requirement containing the information prescribed in paragraph (4).
- (2) The notice must be given as soon as practicable after the determination has been made and not less than two school days before the relevant day.
- (3) The prescribed persons are—
  - (a) the relevant person; and
  - (b) where the pupil has a statement of special educational needs, the local authority maintaining the statement.
- (4) The prescribed information is—
  - (a) the address at which the educational provision is to be provided for the pupil;
  - (b) particulars identifying the person to whom the pupil should report on first attending that address for the purposes of receiving the educational provision;
  - (c) the number of days for which the requirement is to be imposed;
  - (d) the reasons for, and objectives of, imposing the requirement; and
  - (e) in relation to the educational provision—
    - (i) where two sessions per day are provided, the times at which the morning session commences, the afternoon session ends and the break between them commences and ends, or
    - (ii) where a single session per day is provided, the times at which the session commences and ends.

## Requirement to keep under review the imposition of a requirement upon a pupil under section 29A(1) of the 2002 Act

### 4.

- (1) Where a governing body have imposed a requirement upon a pupil under section 29A(1) of the 2002 Act, they must keep under review the imposition of any such requirement by—
  - (a) holding review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate; and for as long as the requirement remains in effect; and
  - (b) making a decision following each review meeting as to whether the requirement should continue to have effect and, if so, for what further period of time.
- (2) In making a decision under paragraph 1(b), the governing body must take into account the views of any persons referred to in regulation 5(1) who have attended the review meeting or have submitted their views in writing.

## 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.

(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.”

## Conduct of review meetings

### 5.

(1) Not later than six days before the date of any review meeting, a governing body must give a written invitation to the following persons requesting them to attend the review meeting, or to submit in writing before the date of the meeting their views as to whether a requirement imposed upon a pupil under section 29A(1) of the 2002 should continue to have effect—

- (a) the relevant person;
- (b) the provider;
- (c) the head teacher of the school;
- (d) a representative of the governing body; and

(e) where the pupil has a statement of special educational needs, a representative of the local authority maintaining the statement.

(2) The governing body must ensure, insofar as is practicable, that any review meeting is convened on a date, and at a time, that is suitable for the relevant person.

(3) For the purposes of this regulation, a representative of the governing body may be any member of the governing body who is not—

- (a) the head teacher of the school in question or any person who has held that position within the previous five years;
- (b) any person employed by the local authority which maintains the school; or
- (c) any person who has, or at any time has had, any connection with the pupil in question of a kind which might reasonably be taken to raise doubts about their ability to act impartially.

## Notification of the outcome of a review

6. A governing body must give written notification of their decision under regulation 4(1)(b), and the reasons for it, to—

- (a) the relevant person;
- (b) the provider; and
- (c) where the pupil has a statement of special educational needs, the local authority maintaining the statement

not later than six days after the date of the review meeting.

Notices, invitations and notifications

## Guidance

8. A governing body exercising functions under section 29A(1) of the 2002 Act, or under these Regulations, must have regard to any guidance given from time to time by the Secretary of State.

*Vernon Coaker*  
Minister of State

Department for Children, Schools and Families

31st March 2010

*Elizabeth Truss*  
Minister of State

Department for Education

4th October 2012