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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1277 (W.122)**

**EDUCATION, WALES**

**The Education (Parenting Orders) (Wales) Regulations 2006**

*Made* - - - - - *10 May 2006*

*Coming into force* - - - - - *11 May 2006*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 20(1), 21(4) and 94(2) of the Anti-social Behaviour Act 2003(1), hereby makes the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Parenting Orders) (Wales) Regulations 2006 and they come into force on 11 May 2006.

(2) These Regulations apply in relation to pupils excluded from schools in Wales.

**Interpretation**

2. In these Regulations—

“the Act” (“y Ddeddf”) means the Anti-social Behaviour Act 2003;

“the 2002 Act” (“Deddf 2002”) means the Education Act 2002(2);

“relevant period” (“cyfnod perthnasol”) has the meaning given by regulation 4;

“school day” (“diwrnod ysgol”) has the same meaning as in the Education Act 1996.

**Prescribed Conditions**

3.—(1) The following conditions are prescribed for the purposes of section 20(1)(b) of the Act.

(2) In the case of a pupil excluded for a fixed period, the exclusion must be the second or subsequent exclusion of the pupil from any school within twelve months from the day on which the previous exclusion began.

(3) In all cases, an application can only be made within the relevant period and provided that—

(a) in the case of a pupil excluded permanently, the application is made no later than six months after the date on which the pupil was excluded; and

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(1) 2003 c. 38. The powers are conferred upon the “appropriate person”. Section 24 defines the appropriate person as “in relation to Wales, the National Assembly for Wales”.

(2) 2002 c. 32.

- (b) in the case of a pupil excluded for a fixed period, the application is made no later than six months after the last exclusion referred to in paragraph (2) above.

### **Relevant Period**

4.—(1) In the case of a pupil excluded for a fixed period, the “relevant period” is whichever of the following is applicable, and if both are applicable whichever expires the later—

- (a) the period of 40 school days beginning with the next school day after the day on which the exclusion was considered by the governing body (or in the case of an exclusion from a pupil referral unit, the local education authority) or, if the exclusion was not so considered, the day on which it began;
- (b) the period of six months beginning with the day on which a parent of the pupil entered into a parenting contract.

(2) In the case of a pupil excluded permanently, the “relevant period” is whichever of the following is applicable, and if both are applicable whichever expires the later—

- (a) the period of 40 school days beginning with the next school day after—
  - (i) the day on which an appeal panel constituted under regulations made under section 52 of the 2002 Act decided to uphold the exclusion, or
  - (ii) if there was no appeal, the last day on which an appeal could have been made; or
- (b) the period of six months beginning with the day on which a parent of the pupil entered into a parenting contract.

### **Costs of parenting order**

5. The costs associated with the requirements of parenting orders under section 20 of the Act, including the costs of providing counselling or guidance programmes, shall be borne by the local education authority.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

10 May 2006

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the conditions to be met before a local education authority may apply to a magistrates' court for a parenting order under section 20(1)(b) of the Anti-social Behaviour Act 2003. The Regulations apply in relation to pupils excluded from schools in Wales.

The conditions are set out in regulation 3. In the case of a pupil excluded for a fixed term, he or she must have been excluded at least twice in a twelve month period. In all cases, an application must not be made more than six months after the last occasion on which a pupil was excluded and must be made within the “relevant period”, which is defined in regulation 4.

Regulation 5 provides that the costs associated with the requirements of a parenting order shall be borne by the local education authority.