

Status: Point in time view as at 09/01/2004.

Changes to legislation: Education Act 1996, SCHEDULE 1 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 19.

PUPIL REFERRAL UNITS

General adaptations of enactments

- 1 References in any enactment to the proprietor or governing body of a school shall be read, in relation to a pupil referral unit, as references to the local education authority.
- 2 References in any enactment to the head teacher of a school shall be read, in relation to a pupil referral unit, as references to the teacher in charge of the unit (whether known as the head teacher or not).

Modifications of enactments by regulations

- 3 Regulations may provide for any enactments relating to schools maintained by local education authorities (or schools including such schools)—
 - (a) to apply in relation to pupil referral units,
 - (b) to apply in relation to such units with such modifications as may be prescribed, or
 - (c) not to apply in relation to such units.

Registration

- 4 (1) A person who is registered as a pupil at a school other than a pupil referral unit shall not, by reason only of being registered also as a pupil at such a unit, cease for the purposes of the Education Acts to be treated as a registered pupil at that school.
(2) In this Schedule “registered” means shown in the register kept under section 434.

Application of Local Government Act 1986

^{F15}

Textual Amendments

F1 Sch. 1 para. 5 repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(2)(f)(vi), [Sch. 8 Pt. 1](#)

Curriculum

- 6 [^{F2}(1) In relation to every pupil referral unit, the local education authority, the management committee (where applicable) and the teacher in charge shall exercise their functions with a view to securing that the curriculum for the unit satisfies the requirements of [^{F3}section 78(1) or 99(1) of the Education Act 2002](1) (balanced and broadly based curriculum).

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- (2) Regulations may make provision for the determination and organisation of the curriculum in relation to every pupil referral unit, including provision as to making, and keeping up to date, a written statement of the policy in relation to that curriculum for the unit; and such regulations may require—
- (a) the local education authority, the management committee (where applicable), or the teacher in charge to exercise, or
 - (b) such of them as may be prescribed to collaborate with each other in exercising,
- such functions in relation to the curriculum as may be prescribed.]
- (3) Each local education authority shall, with the approval of the Secretary of State, make arrangements for the consideration and disposal of any complaint to the effect that the authority, or the teacher in charge of any pupil referral unit—
- (a) have acted or are proposing to act unreasonably with respect to the exercise of any power conferred, or the performance of any duty imposed, on them by [^{F4}sub-paragraph (1) or (2)] above, or
 - (b) have failed to discharge any such duty.
- (4) The Secretary of State shall not entertain under section 496 or 497 (power to prevent unreasonable exercise of functions; general default powers) any complaint in respect of any local education authority if it is a complaint—
- (a) for which arrangements are required to be made under sub-paragraph (3) above, or
 - (b) that a local education authority have failed to exercise their powers to secure compliance by the teacher in charge of a pupil referral unit with any such duty as is referred to in that sub-paragraph,
- unless a complaint in respect of the local education authority or, as the case may be, the teacher in charge of the unit has been made in respect of the same matter and disposed of in accordance with arrangements under that sub-paragraph.

Textual Amendments

- F2** Sch. 1 para. 6(1)(2) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 184(a)(i)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt.I**
- F3** Words in Sch. 1 para. 6(1) substituted (20.1.2003) by **The Education Act 2002 (Modification of Provisions) (No. 2) (England) Regulations 2002** (S.I. 2002/2953), **reg. 2(1)**
- F4** Words in Sch. 1 para. 6(3) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 184(a)(ii)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt.I**

Modifications etc. (not altering text)

- C1** Sch. 1 para. 6(1) amended (19.12.2002) by **The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002** (S.I. 2002/3184), **reg. 5(6)**

Discipline

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Textual Amendments

- F5** Sch. 1 para. 7 repealed (9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/2961, art. 7, Sch. Pt. IV
- F6** Sch. 1 para. 7 repealed (20.1.2003 for E.) by [The Education Act 2002 \(Modification of Provisions\) \(No. 2\) \(England\) Regulations 2002 \(S.I. 2002/2953\)](#), **reg. 2(2)**

Sex education, political indoctrination and political issues

- 8 Sections 403, 406 and 407 (sex education, political indoctrination, and treatment of political issues) apply in relation to pupil referral units as they apply in relation to [^{F7}community schools].

Textual Amendments

- F7** Words in Sch. 1 para. 8 substituted (1.10.2000 for E. and 1.1.2001 for W.) by [2000 c. 21](#), s. 149, **Sch. 9 para. 64** (with s. 150); S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**

Charges

- 9 (1) Chapter III of Part VI applies in relation to pupil referral units as if the references to governing bodies were omitted.
- (2) Section 458(2)(b) (charges for board and lodging) shall have effect in relation to a pupil provided with board and lodging at a unit as if after “that” there were inserted “for the time being”.

Application of Environmental Protection Act 1990

- 10 A pupil referral unit is an educational institution for the purposes of Part IV of the ^{M1}Environmental Protection Act 1990 (litter).

Marginal Citations

- M1** [1990 c. 43](#).

Information

- 11 Each local education authority shall—
- (a) on such occasions, and
 - (b) in such form and manner,
- as may be prescribed, make available to registered parents of registered pupils at any pupil referral unit such information about the unit as may be prescribed.

Disapplication of Schedule 4

- ^{F8}12

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Textual Amendments

- F8** Sch. 1 para. 12 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 184(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Children with special educational needs

F9¹³

Textual Amendments

- F9** Sch. 1 para. 13 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 184(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

School attendance orders

- 14 (1) Where a pupil referral unit is named in a school attendance order—
- (a) the local education authority shall inform the teacher in charge of the unit, and
 - (b) if another local education authority are responsible for determining the arrangements for the admission of pupils to the unit, that authority shall admit the child to the unit;
- but paragraph (b) above does not affect any power to exclude from a unit a pupil who is already a registered pupil there.
- (2) Section 438(4) does not apply in relation to a pupil referral unit.
- (3) A local education authority—
- (a) shall, before deciding to specify a particular pupil referral unit in a notice under section 438(2) where another local education authority are responsible for determining the arrangements for the admission of pupils to the unit, consult that authority; and
 - (b) if they decide to specify the unit in the notice, shall serve notice in writing of their decision on that authority.
- (4) Section 439(7) and (8) apply where a notice is served on a local education authority under sub-paragraph (3) above as they apply where notice is served under section 439(6).
- (5) The parent of a child in respect of whom a school attendance order is in force may not under section 440 request the local education authority to amend the order by substituting a pupil referral unit for the school named in the order.
- (6) Where a child is a registered pupil at both a pupil referral unit and at a school other than a unit, the references in section 444 to the school at which he is a registered pupil shall be read as references to the unit.

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^{F10}Management committees

Textual Amendments

F10 Sch. 1 para. 15 and cross heading added (1.12.1997) by virtue of 1997 c. 44, s.48; S.I. 1997/1468, art. 2(5), Sch. 1 Pt.V

- ^{F11}15 (1) Regulations may make provision—
- (a) for requiring any local education authority who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and
 - (b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.
- (2) Regulations under this paragraph may in particular make provision—
- (a) for enabling a local education authority to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;
 - (b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;
 - (c) as to the composition of a management committee established under the regulations and—
 - (i) the appointment and removal of its members, and
 - (ii) their terms of office,and in particular for requiring such a committee to include persons representing schools ^{F12}. . . situated in the area from which the unit or units in question may be expected to draw pupils;
 - [^{F13}(d) for requiring or (as the case may be) prohibiting the delegation by—
 - (i) a local education authority; or
 - (ii) in the case of a local education authority which are operating executive arrangements, the executive of that authority or any person on behalf of that executive,to a management committee of such functions in connection with pupil referral units as are specified in the regulations.]]
 - (e) for authorising a management committee to establish sub-committees;
 - (f) for enabling (subject to any provisions of the regulations) a local education authority [^{F14}, and in the case of a local education authority which are operating executive arrangements the executive of that authority or any person acting on behalf of that executive,] or a management committee to determine to any extent the committee's procedure and that of any sub-committee;
 - (g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members;
 - (h) for applying to any such committee or sub-committee, with or without modification—
 - (i) any provision of the Education Acts, or
 - (ii) any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority.

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[^{F15}(3) In sub-paragraph (2), “executive” and “executive arrangements” have the same meaning as in the Local Government Act 2000.]

Textual Amendments

- F11** Sch. 1 para. 15 and cross heading added (1.12.1997) by virtue of 1997 c. 44, s. 48; S.I. 1997/1468, art. 2(5), **Sch. 1 Pt. V**
- F12** Words in Sch. 1 para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 184(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F13** Sch. 1 para. 15(2)(d) substituted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 32(a)(i) and S.I. 2002/808, **art. 31(a)(i)**
- F14** Words in Sch. 1 para. 15(2)(f) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 32(a)(ii) and S.I. 2002/808, **art. 31(a)(ii)**
- F15** Sch. 1 para. 15(3) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 32(b) and S.I. 2002/808, **art. 31(b)**

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