
STATUTORY INSTRUMENTS

1998 No. 644

The Local Education Authority (Behaviour Support Plans) Regulations 1998

Consultation

3.—(1) This regulation prescribes the consultation which an authority are required to carry out for the purposes of section 527A(4).

(2) In the course of preparing a plan, the authority shall, in the manner specified in paragraph (3), consult—

- (a) the head teacher and the governing body of every relevant school other than a pupil referral unit;
- (b) in relation to every pupil referral unit maintained by the authority—
 - (i) the teacher in charge, and
 - (ii) where Regulations under paragraph 15 of Schedule 1 to the Education Act 1996⁽¹⁾ require the authority to establish a management committee for that unit, that committee;
- (c) such trade unions and other persons as appear to the authority to be representative of teachers employed in relevant schools;
- (d) such trade unions and other persons as appear to the authority to be representative of persons other than teachers employed in relevant schools;
- (e) such persons as appear to the authority to be representative of parents of pupils attending relevant schools;
- (f) the principal of every institution within the further education sector situated in the authority's area;
- (g) the director of social services, that is to say the officer appointed by the authority under section 6(1) of the Local Authority Social Services Act 1970⁽²⁾ for the purposes of their social services functions;
- (h) every appropriate diocesan authority;
- (i) every Health Authority (within the meaning of section 8 of the National Health Service Act 1977⁽³⁾) any part of whose area lies within the authority's area;
- (j) every probation committee constituted under the Probation Service Act 1993⁽⁴⁾ any part of whose probation area lies within the authority's area;
- (k) the Chief Officer of Police;
- (l) every careers service organisation which provides services to persons who reside in the authority's area;

⁽¹⁾ 1996 c. 56. Paragraph 15 was inserted into Schedule 1 of that Act by section 48 of the Education Act 1997 (c. 44).

⁽²⁾ 1970 c. 42. Section 6 was amended by: (i) section 272(1) of, and Schedule 30 to, the Local Government Act 1972 (c. 70); and (ii) sections 183(3) and 194 of, and Part XVI of Schedule 37 to, the Local Government, Planning and Land Act 1980 (c. 65).

⁽³⁾ 1977 c. 49. Section 8 was substituted by section 1 of the Health Authorities Act 1995 (c. 17).

⁽⁴⁾ 1993 c. 47.

- (m) every Training and Enterprise Council which provides assistance to persons who reside within the authority's area;
 - (n) the clerk to the justices for each petty sessions area (within the meaning of the Justices of the Peace Act 1997⁽⁵⁾) any part of which lies within the authority's area; and
 - (o) such persons as appear to the authority to be representative of voluntary organisations working with disaffected children and young persons in the authority's area.
- (3) The authority shall carry out the consultation referred to in paragraph (2) by sending to every consultee—
- (a) a draft of the plan, and
 - (b) a letter which complies with the requirements specified in paragraph (4).
- (4) The letter referred to in paragraph (4) must—
- (a) invite the consultee to comment on the plan;
 - (b) specify that any such comments are to be provided to the authority by a particular date, which must not be sooner than six weeks following the date on which the draft plan is sent to that consultee; and
 - (c) specify how a consultee may provide such comments and, where they are to be provided in writing, the address to which they are to be sent.
- (5) Where there is more than one clerk to the justices for any such petty sessions area as is mentioned in paragraph (2)(n), the provisions of section 141(2) of the Magistrates Court Act 1980⁽⁶⁾ (and, in relation to justices' clerks for the inner London area, section 141(3)) shall apply for the purposes of that sub-paragraph as they apply for the purposes of that Act.
- (6) In paragraphs (3) and (4) "consultee" means a person required to be consulted under paragraph (2).

⁽⁵⁾ 1997 c. 25.
⁽⁶⁾ 1980 c. 43.