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STATUTORY INSTRUMENTS

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**2007 No. 1304**

**EDUCATION, ENGLAND**

**The Education (Excluded Days of Detention) (England) Regulations 2007**

<i>Made</i>	- - - -	<i>19th April 2007</i>
<i>Laid before Parliament</i>		<i>2nd May 2007</i>
<i>Coming into force</i>	- -	<i>4th June 2007</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 92(8) (c) and 181 of the Education and Inspections Act 2006<sup>(1)</sup>, makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Excluded Days of Detention) (England) Regulations 2007 and come into force on 4th June 2007.

(2) These Regulations apply only in relation to England.

**Interpretation**

2. In these Regulations—

“non-teaching day” means a day (whether or not during a school term) which is set aside wholly or mainly for the performance of duties by members of the staff of a school other than teaching;

“public holiday” means Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971<sup>(2)</sup>;

“school day” means a day on which the school meets; and

“weekday” means a day other than a Saturday or Sunday.

**Days excluded from the definition of permitted days of detention**

3.—(1) A non-teaching day is not a permitted day of detention if it falls on a public holiday (whether or not it would be excluded from being a permitted day of detention under these Regulations but for this paragraph).

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(1) 2006 c. 40.  
(2) 1971 c. 80.

(2) Subject to paragraph (5), a non-teaching day is not a permitted day of detention if it falls within paragraph (3) or (4).

(3) A non-teaching day falls within this paragraph if it falls within a term and it—

- (a) precedes the first school day of the term;
- (b) falls during the half-term break; or
- (c) falls after the last school day of the term.

(4) A non-teaching day falls within this paragraph if it does not fall within a term.

(5) A non-teaching day falling within sub-paragraphs (3)(b) or (c) is not excluded from being a permitted day of detention if all of the following conditions are satisfied—

- (a) it is a weekday;
- (b) it is a day immediately following the day on which the school breaks up; and
- (c) it is not a public holiday.

(6) For the purposes of paragraph (5) a reference to the day on which a school breaks up is a reference, as the case may be, to the last school day before a half-term break or the last school day of the term.

19th April 2007

*Jim Knight*  
Minister of State  
Department for Education and Skills

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## EXPLANATORY NOTE

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

These Regulations specify what days may not be permitted days of detention for the purposes of section 92 of the Education and Inspections Act 2006.

Under section 92 of the Education and Inspections Act 2006 a member of staff of a school who has been authorised to do so may place a pupil in detention on a permitted day of detention.

A permitted day of detention in relation to a pupil, means—

- (a) a school day, other than a day on which the pupil has leave to be absent;
- (b) a Saturday or Sunday during a school term, other than a Saturday or Sunday which falls during, or at a weekend immediately preceding or immediately following, a half-term break;
- (c) a day (whether or not during a school term) which is set aside wholly or mainly for the performance of duties by members of the staff of the school other than teaching, other than such a day which is excluded by regulations made in relation to England, by the Secretary of State.

These Regulations are made in relation to England by the Secretary of State for the purpose of excluding a day which is set aside wholly or mainly for the performance of duties by members of staff of the school other than teaching (referred to as a “non-teaching day”). Such days may include teacher training days.

Subject to the exceptions in regulation 3(5), regulation 3 excludes non-teaching days from being permitted days of detention where they occur on a public holiday, before the first school day of term, during the half-term break or after the last school day of term. The exceptions are for term-time weekday non-teaching days which immediately follow the day a school breaks up (before half-term or the end of term).

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.