

SCHEDULE 2

Regulation 3

Amendments

The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999

1.—(1) The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999(1) are amended in relation to England only as follows.

(2) In regulation 2—

(a) at the beginning insert “(1)”;

(b) at the end insert—

“(2) Where a permanently excluded pupil to which paragraph (1) applies is subsequently reinstated by the governing body of the excluding school in the financial year in which the exclusion first takes effect, the new authority must pay to the old authority, and the last authority must pay to the old authority, as the case may be, in connection with the provision of education for that pupil in that financial year an amount which is no less than $F \times (G/H)$ where—

(a) F is the amount which the old authority has paid to the new authority, or the intermediate authority has paid to the last authority, as the case may be, under paragraph (1);

(b) G is the number of complete weeks remaining in the financial year during which the pupil is reinstated; and

(c) H is the number of complete weeks remaining in the financial year calculated from the relevant date.”.

(3) In regulation 3, for “regulation 2” substitute “regulation 2(1)”.

(4) In regulation 4—

(a) omit the “and” after sub-paragraph (a);

(b) in paragraph (c), for “on and after 22nd March 2004” substitute “in relation to the period commencing on 22nd March 2004 and ending immediately before 1st September 2012”;

(c) in paragraph (c) for “appeal.” substitute “appeal; and”; and

(d) after paragraph (c) insert—

“(d) on or after 1st September 2012, on the date which is the sixth school day following the date on which the pupil has been permanently excluded.”.

The Local Authorities (Members’ Allowances) (England) Regulations 2003

2. In regulation 34(1)(c)(ii) of the Local Authorities (Members’ Allowances) (England) Regulations 2003(2), for “appeal” substitute “review”.

The School Governance (Procedures) (England) Regulations 2003

3. In regulation 17(2) of the School Governance (Procedures) (England) Regulations 2003(3), for “52(3) and (4)” substitute “51A(3) and (8)”.

(1) [S.I.1999/495](#), as amended in relation to Wales by regulation 10(3) of [S.I.2003/3227](#) and in relation to England by regulation 2(3) of [S.I.2004/402](#). There are other amendments but none are relevant to this instrument.

(2) [S.I.2003/1021](#), to which there are amendments not relevant to this instrument.

(3) [S.I.2003/1377](#), to which there are amendments not relevant to this instrument.

The Education (Pupil Registration) (England) Regulations 2006

4.—(1) The Education (Pupil Registration) (England) Regulations 2006⁽⁴⁾ are amended as follows.

(2) For regulation 8(4)(d) substitute—

“(d) the permanent exclusion of a pupil from a maintained school, an Academy school or an alternative provision Academy does not take effect until the proprietor has discharged its duties under regulations made under section 51A of the Education Act 2002, and—

(i) the relevant person has stated in writing that they do not intend to apply for a review under those regulations;

(ii) the time for applying for a review has expired and no review has been applied for within that time; or

(iii) a review applied for within that time has been determined or abandoned;”.

(3) In regulation 8(4)(e) omit “an Academy,”.

The Education (Information about Individual Pupils) (England) Regulations 2006

5. For paragraph 1(2) of Part 2 of Schedule 1 to the Education (Information about Individual Pupils) (England) Regulations 2006⁽⁵⁾ substitute—

“(2) This Part does not apply to a pupil referred to in sub-paragraph (1) where the pupil is subsequently reinstated by the governing body of the school.”.

The School Governance (New Schools) (England) Regulations 2007

6. In regulation 48(2) of the School Governance (New Schools) (England) Regulations 2007⁽⁶⁾, for “52(3) and (4)” substitute “51A(3) and (8)”.

The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007

7. For sub-paragraphs (i) to (iv) of regulation 4(2)(a) of the Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007⁽⁷⁾ substitute—

“(i) the day on which a review panel constituted under regulations made by virtue of section 51A of the Education Act 2002 decided to uphold the exclusion;

(ii) the day on which the parent stated in writing that they do not intend to apply for a review under those regulations;

(iii) the day on which a review applied for within the time for applying for a review has been abandoned; or

(iv) if there was no review (and paragraph (ii) of this sub-paragraph does not apply), the last day on which a review could have been applied for; or”.

The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007

8.—(1) The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007⁽⁸⁾ are amended as follows.

(4) [S.I.2006/1751](#), to which there are amendments not relevant to this instrument.

(5) [S.I.2006/2601](#), to which there are amendments not relevant to this instrument.

(6) [S.I.2007/958](#), to which there are amendments not relevant to this instrument.

(7) [S.I.2007/1869](#), to which there is an amendment not relevant to this instrument.

(8) [S.I.2007/1870](#), to which there are amendments not relevant to this instrument.

- (2) In regulation 2—
 - (a) in paragraph (2)(a)—
 - (i) for “sections” substitute “section”; and
 - (ii) omit “and 111 (meaning of relevant school)”; and
 - (b) for paragraph (2)(b) substitute—
 - “(b) as defined in section 111 (meaning of relevant school) of the 2006 Act for purposes relating to the duties imposed by section 19(1) and (3A) of the 1996 Act (exceptional provision of education in pupil referral units or elsewhere).”.
- (3) In regulation 4—
 - (a) in paragraph (1), after “excluded from a relevant school” omit “or pupil referral unit”; and
 - (b) in paragraph (3)(a) omit “or a pupil referral unit”.
- (4) For regulations 6 and 7 substitute—

“Prescribed time for head teacher to give notice to the parent in relation to exclusion of a pupil of compulsory school age

6.—(1) Paragraphs (2) and (3) prescribe the time by which the head teacher must give the parent a notice in writing under section 104(1) of the 2006 Act.

(2) The notice must be provided without delay and no later than the end of the afternoon session of the first day on which the pupil is excluded.

(3) But where the information prescribed by section 104(2) of the 2006 Act and regulation 7 is not reasonably ascertainable by that time, the information must be provided in a further notice without delay and not less than 48 hours before the start of that suitable full-time education.

(4) Where suitable full-time education for a pupil of compulsory school age who is excluded from the school may start before the relevant day, the 48 hour time limit in paragraph (3) may be waived with the parent’s consent.

(5) In this regulation, “relevant day” has the meaning given in regulation 3.

Other prescribed information to be provided in a notice relating to an excluded pupil

7. The following information is prescribed as the other information (in addition to that prescribed by sections 104(2) and (3) of the 2006 Act) which the head teacher must give to the parent in writing under section 104(1) of the 2006 Act—

- (a) the address at which suitable full-time education 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 purpose of receiving suitable full-time education;
- (c) in relation to that suitable-full-time education—
 - (i) where 2 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.”.

- (5) For regulation 8(a) substitute—
 - “(a) a notice given to the parent in accordance with regulations made by virtue of section 51A(3)(a) of the Education Act 2002; and”.
- (6) Omit regulation 10.

The School Finance (England) Regulations 2012

9.—(1) The School Finance (England) Regulations 2012⁽⁹⁾ are amended as follows.

(2) In regulation 23—

(a) in paragraph (2)—

(i) for the formula substitute “ $A \times (B / 52) + C$ ”;

(ii) omit the “and” after sub-paragraph (a);

(iii) in sub-paragraph (b), for “date.” substitute “date; and”; and

(iv) after sub-paragraph (b) insert—

“(c) C is the amount of the adjustment made to the school’s budget share pursuant to a financial adjustment order.”;

(b) in paragraph (3) for “paragraph (4)” substitute “paragraphs (4) and (4A)”;

(c) in paragraph (4)(a) after the second “authority” insert “, except that any reduction in the excluding school’s budget share made pursuant to a financial adjustment order must not be taken into account for these purposes”;

(d) after paragraph (4) insert—

“(4A) In redetermining the admitting school’s budget share, the authority may increase it by any amount up to the amount of the adjustment made to the excluding school’s budget share pursuant to a financial adjustment order.”;

(e) for paragraph (14) substitute—

“(14) For the purposes of this regulation—

“the relevant date” is the sixth school day following the date on which the pupil has been permanently excluded; and

“a financial adjustment order” means an order for the adjustment of a school’s budget share made under regulations made by virtue of section 51A of the Education Act 2002 in respect of the exclusion of the pupil from the excluding school.”.

(9) [S.I.2012/335](#).