
STATUTORY INSTRUMENTS

2004 No. 182

EDUCATION, ENGLAND

The Education (Parenting Orders) (England) Regulations 2004

Made - - - - 29th January 2004
Laid before Parliament 4th February 2004
Coming into force - - 27th February 2004

The Secretary of State, in exercise of the powers conferred upon him by sections 20(1), 21(4) and 94 of the Anti-social Behaviour Act 2003⁽¹⁾ hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Parenting Orders) Regulations 2004 and shall come into force on 27th February 2004.

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

Interpretation

2. In these Regulations—

“the Act” means the Anti-social Behaviour Act 2003;

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

“school day” has the same meaning as in the Education Act 1996⁽³⁾.

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) The application must be made within the 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—

(1) 2003 c. 38

(2) 2002 c. 32

(3) 1996 c. 56. School day is defined in s.579(1).

- (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 it 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, including the costs of providing counselling or guidance programmes, shall be borne by the local education authority.

29th January 2004

Ivan Lewis
Parliamentary Under Secretary of State,
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe conditions one of which must be fulfilled before an application can be made for a parenting order under section 20 of the Anti-Social Behaviour Act 2003.

The conditions are set out in regulation 3. Where the pupil has been excluded permanently, the only condition is that the application must be made within the relevant period. Where the pupil has been excluded for a fixed term, there must have been at least two such exclusions in the last twelve months and the application must be made within the relevant period.

Regulation 4 defines the relevant period, including cases where a parenting contract has been entered into.

Regulation 5 prescribes for the purpose of section 21(4) of the Act that local education authorities are to fund the costs of parenting orders.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.