
STATUTORY INSTRUMENTS

2012 No. 3158

The Pupil Referral Units (Miscellaneous Amendments) (No.2) (England) Regulations 2012

Amendments to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007

3.—(1) Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007(1) is amended as follows.

(2) After paragraph 17 insert—

“**17A.** Section 35(7) of that Act applies in relation to units in order for Schedule 2 to that Act to have effect in relation to units—

- (a) to the extent specified in paragraph 20A of this Schedule; and
- (b) as if “, or section 66 of the Education and Inspections Act 2006” were omitted.

17B. Section 37(1) to (7B), (9), (11) and (12) of that Act (payments in respect of dismissal, etc) applies in relation to units as it applies in relation to maintained schools as if—

- (a) wherever the words occur—
 - (i) for “governing body” there were substituted “management committee”;
 - (ii) for “maintained school” or, as the case may be, “school”, there were substituted “unit”;
- (b) in subsection (7B)—
 - (i) for “are” there were substituted “is”; and
 - (ii) “on them by section 21(2) or” were omitted.”.

(3) After paragraph 19 insert—

“**19A.** Section 175(2) and (4) of that Act (duties of local authorities and governing bodies in relation to welfare of children) applies in relation to units as it applies to maintained schools but as if for subsection (2) there were substituted—

“(2) The management committee of a unit must make arrangements for ensuring that its function of conducting the unit delegated to it by the local authority is exercised with a view to safeguarding and promoting the welfare of pupils at the unit.”.”.

(4) For paragraph 20(2) substitute—

“**20.** Paragraph 3(1) to (6) and (8) of Schedule 1 to that Act applies to units as it applies to maintained schools as if—

(1) [S.I.2007/2979](#), paragraph 1 of Schedule 3 of which was revoked by [S.I.2008/3093](#). [S.I.2007/2979](#) was also amended by [S.I.2010/1074](#) (which was revoked by [S.I.2010/1919](#)), [S.I.2012/1201](#) and [S.I.2012/1825](#).

(2) Schedule 1 to the Education Act 2002 sets out the powers of governing bodies of maintained schools. By virtue of paragraph 1 of Schedule 1 to the 1996 Act, references in any enactment (that applies, or is applied, to units) to the governing body of a school are to be read, in relation to a unit, as references to the local authority.

- (a) in sub-paragraphs (1)(a), (3)(f) and (8), in each place where the word occurs, for “school” there were substituted “unit”;
 - (b) in sub-paragraph (2)(a), after “maintained school” there were inserted “or the management committee of any other unit”;
 - (c) in sub-paragraph (2A), for “maintained school in England (other than the governing body of a maintained nursery school)” there were substituted “unit”;
 - (d) in sub-paragraph (2B), for the first reference to “maintained school” there were substituted “unit”.
- (5) After paragraph 20 insert(3)—
- “**20A.** Paragraphs 1 to 3 of Schedule 2 to that Act (effect on staffing of suspension of delegated budget) apply to units as they apply to maintained schools as if—
- (a) for “school”, in each place where the word occurs, there were substituted “unit”;
 - and
 - (b) in paragraph 3, for “governing body” there were substituted “management committee”.
- (6) Omit paragraph 22(4).
- (7) After paragraph 23E insert—
- “**23EA.** Section 7(1) to (3) and (6) to (8) of that Act (transfer of school surpluses) applies in relation to units as it applies in relation to maintained schools as if—
- (a) wherever the words occur—
 - (i) for “governing body” there were substituted “management committee”;
 - (ii) for “school” there were substituted “unit”;
 - (b) in subsections (1)(c) and (3), for “Academy” there were substituted “alternative provision Academy”; and
 - (c) in subsection (6), “This subsection is subject to subsection (9).” were omitted.”.
- (8) Omit paragraph 26(5).
- (9) For paragraph 28 substitute—

“School Staffing (England) Regulations 2009

28.—(1) Regulations 3, 4, 6 to 9, 12 to 22, 41 and 43 of the School Staffing (England) Regulations 2009(6) apply in relation to units as they apply in relation to maintained schools with the following modifications.

- (2) Wherever the words appear, as if—
 - (a) except in regulations 7(2)(a) and 21(3), for “governing body” there were substituted “management committee”;
 - (b) for “governor” and “governors” there were substituted “member” and “members” respectively;

(3) [S.I.2010/1074](#) inserted paragraph 20A into Schedule 1 of [S.I.2007/2979](#); that paragraph was revoked by regulation 2(a) of [S.I.2010/1919](#).

(4) Paragraph 22 of [S.I.2007/2979](#) applies section 5 of the Education and Inspections Act 2006 (2006 c.40) to units with modifications. Section 5 of the Education and Inspections Act 2006 was repealed by section 33(1) of the Education Act 2011.

(5) Paragraph 26 of [S.I.2007/2979](#) applies regulations 11, 15A and 18A of the School Staffing (England) Regulations 2003 ([S.I.2003/1963](#)) to units with modifications. [S.I.2003/1963](#) was revoked by [S.I.2009/2680](#).

(6) [S.I.2009/2680](#), which was amended by [S.I.2010/1172](#), [S.I.2012/979](#) and [S.I.2012/1740](#).

- (c) except in the definition of “teacher” in regulation 3, regulations 8A, 12(6)(a), 18(3)(a), the second and third occurrences of “school” in regulation 21(3), and regulations 41 and 43, for “school” or, as the case may be, “maintained school”, there were substituted “unit”.
- (3) Regulation 3 has effect as if after the definition of “enhanced criminal record certificate” there were inserted—
- ““member” means a member of the management committee of a unit;”.
- (4) Regulation 4 has effect as if—
- (a) in sub-paragraph (1)(a), for “5 to 8 and 9, 15(3) and (5) and 27(3) and (5)” there were substituted “6 to 8 and 9, 15(3) and (5)”; and
- (b) sub-paragraph (1)(b) were omitted.
- (5) Regulation 7 has effect as if, in sub-paragraph (2)(a), for “exercisable by the governing body by or under EA 2002” there were substituted “delegated to the management committee by the authority”.
- (6) Regulation 8A has effect as if for paragraph (1) there were substituted—
- “(1) This regulation applies where a member of the teaching staff at a unit (School A) applies for a teaching post at another school (School B), where School B is a unit, a maintained school, an Academy school or an alternative provision Academy.”.
- (7) Regulation 9 has effect as if—
- (a) for “With effect from 1st January 2010, the” there were substituted “The”; and
- (b) in sub-paragraph (b)(i), “or 27” were omitted.
- (8) Regulations 41 and 43 have effect as if—
- (a) in each place where the words occur, for “community, voluntary controlled, community special or maintained nursery school” there were substituted “unit”; and
- (b) in regulation 41, for “4 to 9” there were substituted “4, 6 to 9”.
- (9) Schedule 2 has effect as if—
- (a) in paragraph 1, for “regulations 12(7) and 24(7)” there were substituted “regulation 12(7)”; and
- (b) in paragraph 2(e), “or 24(4)” were omitted.”.
- (10) For paragraph 29(7) substitute—

“Academy Conversions (Transfer of School Surpluses) Regulations 2010

29. The Academy Conversions (Transfer of School Surpluses) Regulations 2010(8) apply in relation to units as they apply in relation to maintained schools.

Consistent Financial Reporting (England) Regulations 2012

30.—(1) Regulations 2, 3 and 5 of, and the Schedule to, the Consistent Financial Reporting (England) Regulations 2012(9) apply in relation to units as they apply in relation to maintained schools with the following modification.

- (2) Regulation 2 has effect as if for paragraph (a) there were substituted—

(7) Paragraph 29 of [S.I.2007/2979](#) applies regulation 10 of, and Schedule 5 to, the Education (School Performance Information) (England) Regulations 2007 ([S.I.2007/2324](#)) to units. Those provisions of [S.I.2007/2324](#) were revoked by [S.I.2008/1727](#).

(8) [S.I.2010/1938](#).

(9) [S.I.2012/674](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- “(a) a governing body means—
- (i) the governing body of any school which is maintained by a local authority other than a maintained nursery school;
 - (ii) with respect to a pupil referral unit, the management committee of that unit”.