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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2953 (W.245)**

**EDUCATION, WALES**

**The Education (Reintegration Interview) (Wales) Regulations 2010**

<i>Made</i>	- - - -	<i>10 December 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>14 December 2010</i>
<i>Coming into force</i>	- -	<i>5 January 2011</i>

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by sections 102 and 181 of the Education and Inspections Act 2006<sup>(1)</sup> and now vested in them<sup>(2)</sup> make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Reintegration Interview) (Wales) Regulations 2010 and they come into force on 5 January 2011.

(2) These Regulations apply in relation to maintained schools in Wales<sup>(3)</sup>.

(3) These Regulations apply to a temporary exclusion imposed on or after 5 January 2011.

**Interpretation**

2.—(1) In these Regulations—

“school day” (“*diwrnod ysgol*”) means a day on which the school meets,

“school year” (“*blwyddyn ysgol*”) means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July.

(2) For the purposes of these Regulations—

(a) where a pupil is excluded during the course of a school day but before the beginning of any afternoon session on that day, that day is to be treated for these purposes as the first day to which the exclusion relates,

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(1) 2006 c. 40.

(2) The functions of the National Assembly for Wales in these sections were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) Section 111 of the Education and Inspections Act 2006 defines a “maintained school” for the purposes of these Regulations.

- (b) where a pupil is excluded during the course of a school day but after the beginning of any afternoon session on that day, the following day is to be treated for these purposes as the first day to which the exclusion relates,
- (c) a school which provides both primary and secondary education is regarded as a primary school if the temporarily excluded pupil receives primary education and otherwise as a secondary school.

#### **Duty to request a reintegration interview**

3.—(1) The head teacher of a maintained school must request a parent<sup>(4)</sup> of a temporarily excluded pupil, being an individual who resides with the pupil, to attend a reintegration interview in the cases prescribed by paragraph (2).

(2) Subject to paragraph (3), the cases prescribed are where a pupil of a compulsory school age is temporarily excluded on disciplinary grounds from—

- (a) a primary school for any fixed period, or
- (b) a secondary school for any fixed period of six or more school days.

(3) A case is not prescribed where—

- (a) the first day to which the exclusion relates falls within the last ten school days of the last term in any school year, or
- (b) the head teacher expects the pupil to cease to attend the school within the period described in regulation 4(2) for a reason unconnected with the pupil's behaviour.

#### **Form of request and timing of interview**

4.—(1) Where the duty in regulation 3 applies the head teacher must give notice in writing to the parent of the following matters—

- (a) the date, time and duration of the reintegration interview,
- (b) the purpose of the interview, and
- (c) the duty of the court, in deciding whether to make a parenting order in respect of a parent under section 20 of the Anti-social Behaviour Act 2003<sup>(5)</sup>, to take into account a failure by the parent without reasonable excuse to attend a reintegration interview when requested to do so in accordance with these Regulations.

(2) Subject to paragraph (4), the interview must be held on a school day within the period—

- (a) beginning with the first day to which the exclusion relates, and
- (b) ending with the fifteenth school day falling after the last day to which the exclusion relates (whether or not that school day falls in the same term).

(3) Before giving the notice the head teacher must use reasonable endeavours to arrange the interview for a date and time (within the period) suggested by the parent.

(4) The interview may be held on a day within the period referred to in paragraph (2) which is not a school day if the head teacher and parent so agree.

(5) The notice must be given no later than six school days before the date of the reintegration interview.

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<sup>(4)</sup> Section 576 of the Education Act 1996 defines a 'parent' for the purpose of these regulation.

<sup>(5)</sup> 2003 c. 38.

### **Combination of notices**

5. A notice relating to a reintegration interview given pursuant to regulation 4 may be combined with a notice given to the parent in accordance with regulations made under section 52(3)(a) of the Education Act 2002<sup>(6)</sup> (prescribed persons to be given information relating to any exclusion).

10 December 2010

*Leighton Andrews*  
Minister for Children, Education and Lifelong  
Learning, one of the Welsh Ministers

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

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## EXPLANATORY NOTE

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

These Regulations prescribe the circumstances in which a head teacher must request the parents of an excluded pupil of compulsory school age to attend a reintegration interview under section 102 of the Education and Inspections Act 2006 (“the 2006 Act”), and the procedure by which the interview must be arranged.

Regulation 3 requires the head teacher to request an interview with a parent of a pupil of compulsory school age who has been excluded from a primary school for any fixed period, or from a secondary school for a fixed period of six or more school days. The parent must be an individual who resides with the child. The head teacher need not make such a request if the exclusion starts within ten days of the end of the summer term or the pupil is expected to leave the school for a reason other than behaviour (for example if the pupil is moving to a school in a different area).

Regulation 4 requires that the request is made by a notice in writing and specifies what information must be contained in that notice. It prescribes a period within which the interview must take place and requires the interview to take place on a school day within that period, though it may take place on a non-school day within that period if the parent and head teacher agree. The head teacher must use reasonable endeavours to arrange the interview for a date and time within the period suggested by the parent. The notice must be given no later than six days before the interview is to take place.

Regulation 5 allows a notice from a head teacher under these Regulations to be combined with the notice informing the parent of the exclusion (under regulations made under section 52(3)(a) of the Education Act 2002).

Section 572 of the Education Act 1996 makes provision for how the notice may be given. It may be delivered to the parent, left at the parent’s usual or last known address, or sent in a prepaid addressed letter to that address. It may be sent by e-mail if the parent has agreed to use e-mail to receive notices.