
STATUTORY INSTRUMENTS

1998 No. 644

EDUCATION, ENGLAND AND WALES

The Local Education Authority (Behaviour Support Plans) Regulations 1998

<i>Made</i>	- - - -	<i>9th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1998</i>

In exercise of the powers conferred on the Secretary of State by sections 527A(4) and (5) and 569(4) of the Education Act 1996(1), the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Local Education Authority (Behaviour Support Plans) Regulations 1998, and shall come into force on 1st April 1998.

Interpretation

2. In these Regulations—

“appropriate diocesan authority” means—

- (a) in relation to a local education authority in England—
 - (i) the Diocesan Board of Education for every diocese of the Church of England, and
 - (ii) the bishop of every diocese of the Roman Catholic Church, any part of the area of which (in each case) lies within the authority’s area; and
- (b) in relation to a local education authority in Wales—
 - (i) the Diocesan Board of Finance or other person designated by the Secretary of State under section 311(1) of the Education Act 1996 (as the case may be) for every diocese of the Church of Wales, and
 - (ii) the bishop of every diocese of the Roman Catholic Church, any part of the area of which (in each case) lies within the authority’s area;

(1) 1996 c. 56. Section 527A was inserted by section 9 of the Education Act 1997 (c. 44).

“authority” means a local education authority;

“careers service organisation” means a person (other than a local authority) who provides services in pursuance of arrangements made under section 10(1) of the Employment and Training Act 1973(2);

“Chief Inspector”—

- (a) in relation to an authority in England, means Her Majesty’s Chief Inspector of Schools in England, and
- (b) in relation to an authority in Wales, means Her Majesty’s Chief Inspector of Schools in Wales;

“Chief Officer of Police”—

- (a) in relation to a London Borough, means the Commissioner of Police of the Metropolis,
- (b) in relation to the Common Council for the City of London, means the Commissioner of Police for the City of London, and
- (c) in relation to every other local education authority, means every Chief Constable any part of whose police area lies within the area of the authority;

“plan”, in relation to an authority, means the statement which the authority are required to prepare by virtue of section 527A(1); and, except in regulation 5(1) to (3), any reference to a plan includes a revised plan;

“relevant school” has the meaning specified in section 527A(7);

“section 527A” means section 527A of the Education Act 1996; and

“Training and Enterprise Council” means a company limited by guarantee formed for the purpose of entering into, and with whom the Secretary of State has entered into, arrangements under section 2 of the Employment and Training Act 1973(3) for the purpose of assisting persons to select, train for, obtain or retain employment.

Consultation

3.—(1) This regulation prescribes the consultation which an authority are required to carry out for the purposes of section 527A(4).

(2) In the course of preparing a plan, the authority shall, in the manner specified in paragraph (3), consult—

- (a) the head teacher and the governing body of every relevant school other than a pupil referral unit;
- (b) in relation to every pupil referral unit maintained by the authority—
 - (i) the teacher in charge, and
 - (ii) where Regulations under paragraph 15 of Schedule 1 to the Education Act 1996(4) require the authority to establish a management committee for that unit, that committee;
- (c) such trade unions and other persons as appear to the authority to be representative of teachers employed in relevant schools;
- (d) such trade unions and other persons as appear to the authority to be representative of persons other than teachers employed in relevant schools;

(2) 1973 c. 50. Section 10 was substituted by section 45 of the Trade Union and Employment Rights Act 1993 (c. 19).

(3) 1973 c. 50. Section 2 was substituted by section 25 of the Employment Act 1988 (c. 19). The substituted section 2 was amended by Schedule 7 to the Employment Act 1989 (c. 38).

(4) 1996 c. 56. Paragraph 15 was inserted into Schedule 1 of that Act by section 48 of the Education Act 1997 (c. 44).

- (e) such persons as appear to the authority to be representative of parents of pupils attending relevant schools;
 - (f) the principal of every institution within the further education sector situated in the authority's area;
 - (g) the director of social services, that is to say the officer appointed by the authority under section 6(1) of the Local Authority Social Services Act 1970⁽⁵⁾ for the purposes of their social services functions;
 - (h) every appropriate diocesan authority;
 - (i) every Health Authority (within the meaning of section 8 of the National Health Service Act 1977⁽⁶⁾) any part of whose area lies within the authority's area;
 - (j) every probation committee constituted under the Probation Service Act 1993⁽⁷⁾ any part of whose probation area lies within the authority's area;
 - (k) the Chief Officer of Police;
 - (l) every careers service organisation which provides services to persons who reside in the authority's area;
 - (m) every Training and Enterprise Council which provides assistance to persons who reside within the authority's area;
 - (n) the clerk to the justices for each petty sessions area (within the meaning of the Justices of the Peace Act 1997⁽⁸⁾) any part of which lies within the authority's area; and
 - (o) such persons as appear to the authority to be representative of voluntary organisations working with disaffected children and young persons in the authority's area.
- (3) The authority shall carry out the consultation referred to in paragraph (2) by sending to every consultee—
- (a) a draft of the plan, and
 - (b) a letter which complies with the requirements specified in paragraph (4).
- (4) The letter referred to in paragraph (4) must—
- (a) invite the consultee to comment on the plan;
 - (b) specify that any such comments are to be provided to the authority by a particular date, which must not be sooner than six weeks following the date on which the draft plan is sent to that consultee; and
 - (c) specify how a consultee may provide such comments and, where they are to be provided in writing, the address to which they are to be sent.
- (5) Where there is more than one clerk to the justices for any such petty sessions area as is mentioned in paragraph (2)(n), the provisions of section 141(2) of the Magistrates Court Act 1980⁽⁹⁾ (and, in relation to justices' clerks for the inner London area, section 141(3)) shall apply for the purposes of that sub-paragraph as they apply for the purposes of that Act.
- (6) In paragraphs (3) and (4) "consultee" means a person required to be consulted under paragraph (2).

(5) 1970 c. 42. Section 6 was amended by: (i) section 272(1) of, and Schedule 30 to, the Local Government Act 1972 (c. 70); and (ii) sections 183(3) and 194 of, and Part XVI of Schedule 37 to, the Local Government, Planning and Land Act 1980 (c. 65).

(6) 1977 c. 49. Section 8 was substituted by section 1 of the Health Authorities Act 1995 (c. 17).

(7) 1993 c. 47.

(8) 1997 c. 25.

(9) 1980 c. 43.

Publication of plans

- 4.—(1) This regulation prescribes for the purposes of section 527A(5)—
- (a) the manner in which an authority are required to publish the plan, and
 - (b) the persons to whom an authority are required to provide copies of the plan.
- (2) The authority shall, at such times as may be reasonable, make copies of the plan available for inspection by members of the public—
- (a) at public libraries in the authority’s area, and
 - (b) at such other places as may be reasonable.
- (3) The authority shall provide copies of the plan to—
- (a) the Secretary of State;
 - (b) the Chief Inspector; and
 - (c) every person whom the authority are required to consult by virtue of regulation 3(2).
- (4) In addition, the authority shall provide a copy of the plan to any person who asks for one.

Date for publication of plans

- 5.—(1) This regulation prescribes, for the purposes of section 527A(5), the date by which an authority are required to publish the plan, or any revision of it.
- (2) The authority shall publish the plan on or before 31st December 1998.
- (3) The authority shall subsequently publish a revised plan—
- (a) in 2001, in the period beginning on 1st January and ending on 1st April, and
 - (b) in the same period in every third year thereafter.
- (4) In this regulation “publish” means—
- (a) making the plan available for inspection in accordance with regulation 4(2), and
 - (b) providing copies of the plan to every person specified in regulation 4(3) and (4).

3rd March 1998

Estelle Morris
Parliamentary Under Secretary of State,
Department for Education and Employment

9th March 1998

Peter Hain
Parliamentary Under-Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 527A of the Education Act 1996 comes into force on 1st April 1998. Section 527A(1) requires every local education authority (LEA) to prepare, and from time to time revise, a statement (referred to in these Regulations as “the plan”) setting out the arrangements made, or proposed to be made, by the authority in connection with the education of children with behavioural difficulties.

These Regulations prescribe:

- (a) for the purposes of section 527A(4), the persons and bodies whom an LEA are required to consult when preparing the plan (or subsequent revisions of it), and the manner in which the LEA are required to carry out that consultation (*regulation 3*); and
- (b) for the purposes of section 527A(5)—
 - (i) the manner in which an LEA are required to publish the plan (or a revised plan), and the persons to whom they are required to provide copies of it (*regulation 4*); and
 - (ii) the date by which they are required to publish the plan, or revisions of it (*regulation 5*).