

2001 No. 870

EDUCATION, ENGLAND

The Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (England) Regulations 2001

Made - - - - - *8th March 2001*

Laid before Parliament *9th March 2001*

Coming into force - - *1st April 2001*

In exercise of the powers conferred on the Secretary of State by sections 494 and 569(4) of the Education Act 1996(a), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (England) Regulations 2001 and shall come into force on 1st April 2001.

(2) These Regulations apply only in relation to England.

(3) In these Regulations words used have the same meaning as in the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999(b) (“the principal Regulations”).

Amendment

2.—(1) The principal Regulations shall be amended as follows in relation to exclusions taking effect, and intermediate authorities ceasing to provide education, on or after 1st April 2001.

(2) In the exception in the definition of “C” in regulation 2 of the principal Regulations for the words “a middle or secondary (including a special) school” there shall be substituted “another school with a different pupil age range”.

8th March 2001

Jacqui Smith
Parliamentary Under Secretary of State,
Department for Education and Employment

(a) 1996 c. 56. Section 494 was substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 128. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the meaning of “regulations” see section 579(1) of the 1996 Act.

(b) S.I. 1999/495.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999 (“the principal Regulations”) in relation to England only.

Regulation 2 of the principal Regulations sets out a formula for determining the amount to be paid by one local education authority to another when a pupil permanently excluded from a school maintained by that authority is, in the same financial year, provided with education by the other authority. That regulation also deals with the situation where a pupil is permanently excluded and, in the same financial year, is first provided by another local education authority (“the intermediate authority”) with education in a pupil referral unit or otherwise than at school; the intermediate authority, in that same financial year, then cease to provide him with education and he is provided with education by yet another local education authority.

Part of the calculation involves “C” being the number of complete weeks remaining in the financial year calculated from the relevant date (in the more usual case this is the date that the permanent exclusion takes effect).

Where the pupil is permanently excluded, or the intermediate authority cease to provide education, on or after 1st April in a school year at the end of which the pupil would normally have left the school to transfer to a middle or secondary school “C” is instead defined in the principal Regulations as the number of complete weeks left in the school year. These Regulations amend that definition so as to refer to a transfer at the end of the school year to any school with a different pupil age range. The principal Regulations, as amended, will accordingly also cover an exclusion on or after 1st April in a school year at the end of which pupils would normally have transferred from an infants to a junior school.

The amendments have effect where the exclusion takes effect, or the intermediate authority cease to provide education, on or after 1st April 2001.

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