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## EXPLANATORY NOTE

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

Section 19 of the Education Act 1996 requires local authorities to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise may not for any period receive suitable education unless such arrangements are made for them. Any school established and maintained by a local authority which is specially organised to provide education for such children is known as a pupil referral unit (section 19 (2B) of the Education Act 1996). Schedule 1 to that Act provides that enactments which apply to maintained schools can be applied with or without modification, to pupil referral units by regulations.

These Regulations amend the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (“the 2007 Regulations”) which modify the application of enactments in relation to pupil referral units.

New paragraph 20B applies section 10 of the Children Act 2004 so that the local authorities’ duty to co-operate with “relevant partners” is extended to the management committees of pupil referral units.

The Academies Act 2010 (as amended by the Education Act 2011) provides for maintained schools to convert to Academies. Sections 1A to 1C of that Act provide for 3 types of Academies: Academy schools, 16 to 19 Academies and alternative provision Academies. Section 1D of that Act provides that enactments which apply to Academy schools can be applied with or without modification to alternative provision Academies. Paragraph 3 of Schedule 1 to the Education Act 1996 provides a power to apply legislation which applies to maintained schools to pupil referral units with or without modification. New paragraphs 23B to 23F apply the relevant provisions of the Academies Act 2010 with modifications to pupil referral units and alternative provision Academies so that they can convert to become alternative provision Academies.

An impact assessment has not been produced for this instrument because it has no impact on businesses or civil society organisations and the total unfunded cost on the public sector is less than £5 million.