WELSH STATUTORY INSTRUMENTS

2010 No. 2954 (W.246)

EDUCATION, WALES

The Education (Parenting Contracts and Parenting Orders) (Wales) Regulations 2010

Made - - - -	*13 December 2010*
Laid before the National Assembly for Wales - -	*14 December 2010*
Coming into force - -	*5 January 2011*

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 20(1) and (2A), 22A, 24 and 94 of the Anti-social Behaviour Act 2003(**1**) and now vested in them(**2**) make the following Regulations:

Title, commencement and application

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

(2) These Regulations apply in relation to—

(a) local authorities and governing bodies of maintained schools in Wales; and

(b) pupils who are, or were immediately before permanent exclusion, registered pupils at maintained schools in Wales.

Interpretation

2.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Anti-social Behaviour Act 2003;

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Education (Parenting Orders) (Wales) Regulations 2006(**3**);

"parenting contract" ("*contract rhianta*") means a parenting contract under section 19 of the Act;

(**1**) 2003 c. 38. Section 20(2A) was inserted by section 98, and section 22A by section 99, of the Education and Inspections Act 2006 (c. 40).

(**2**) The powers conferred on the National Assembly for Wales in sections 20, 22A, 24 and 94 of the Anti-social Behaviour Act 2003 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) S.I. 2006/1277 (W.122).

"parenting order" ("*gorchymyn rhianta*") means a parenting order under section 20 of the Act;

"relevant behaviour" ("*ymddygiad perthnasol*") means behaviour of the kind mentioned in section 20(2A)(a) of the Act (as read with section 20(2B) of the Act); and

"school day" ("*diwrnod ysgol*") has the meaning given to it by section 579(1) of the Education Act 1996(**4**).

(2) For the purposes of these Regulations—

(a) an exclusion begins on the first day to which the exclusion relates (and, in relation to an exclusion, "beginning", and similar expressions, are construed accordingly); and

(b) where the 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.

Prescribed conditions for parenting orders where the pupil has been excluded

3. For the purposes of section 20(1)(b) of the Act, the prescribed condition is that the application must be made within the relevant period.

4.—(1) For the purposes of regulation 3, in the case of a pupil excluded for a fixed period, the "relevant period" is whichever of the following is applicable, and if both are applicable whichever expires the later–

(a) the period of 40 school days beginning with the next school day after the day on which consideration of the exclusion was completed by the governing body (or in the case of an exclusion from a pupil referral unit, the local authority) or, if it was not so considered, the day on which it began;

(b) the period of 6 months beginning with the day on which a parent of the pupil entered into a parenting contract.

(2) For the purposes of regulation 3, in the case of a pupil excluded permanently, the "relevant period" is whichever of the following is applicable, and if both are applicable whichever expires the later–

(a) the period of 40 school days beginning with the next school day after—

(i) the day on which an appeal panel constituted under regulations made under section 52 of the Education Act 2002 (**5**)decided to uphold the exclusion;

(ii) the day on which the parent stated in writing that the parent does not intend to bring an appeal under those regulations;

(iii) the day on which an appeal brought within the time for bringing an appeal has been abandoned; or

(iv) if there was no appeal (and paragraph (ii) of this sub-paragraph does not apply), the last day on which an appeal could have been brought; or

(b) the period of six months beginning with the day on which a parent of the pupil entered into a parenting contract.

Prescribed conditions for parenting orders where the pupil has engaged in relevant behaviour

5. For the purposes of section 20(2A)(b) of the Act, the prescribed condition is than an application must be made within the relevant period.

(**4**) 1996 c. 56.
(**5**) 2002 c. 32