WELSH STATUTORY INSTRUMENTS

2010 No. 2953 (W.245)

EDUCATION, WALES

The Education (Reintegration Interview) (Wales) Regulations 2010

Made - - - -	*10 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 on the National Assembly for Wales by sections 102 and 181 of the Education and Inspections Act 2006(**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 (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(**3**).

(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,

(**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(**4**) 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(**5**), 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.

(**4**) Section 576 of the Education Act 1996 defines a 'parent' for the purpose of these regulation.
(**5**) 2003 c. 38.