This Statutory Instrument has been made in part in consequence of defects in S.I. 2014/2103 and 2015/1470 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2026 No. 558

EDUCATION, ENGLAND

The Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026

Made - - - -	*21st May 2026*
Laid before Parliament	*26th May 2026*
Coming into force - -	*26th July 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 537A(1) and (2) and 569(4) of, and paragraph 3(b) of Schedule 1 to, the Education Act 1996(**a**), sections 29A(4) and (5) and 210(7) of the Education Act 2002(**b**), section 1D(1) of the Academies Act 2010(**c**), section 251C(3) and (4) of the Health and Social Care Act 2012(**d**) and section 55(3) of the Children's Wellbeing and Schools Act 2026(**e**).

(**a**) 1996 c. 56 ("the 1996 Act"). Section 537A was inserted by section 20 of the Education Act 1997 (c. 44) and substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). It was then amended by S.I. 2010/1158 and 2012/976. There are amendments to section 569 of the 1996 Act that are not relevant to these Regulations.

(**b**) 2002 c. 32 ("the 2002 Act"). Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25) and amended by section 55 of the Children's Wellbeing and Schools Act 2026 (c. 21) ("the 2026 Act"). Section 29A(5) includes the power to make provision in relation to any relevant requirement imposed by the proprietor of an Academy school before these Regulations come into force, in the first regulations under that power, by virtue of section 55(3) of the 2026 Act. There are amendments to section 210(7) that are not relevant to these Regulations. For the definitions of "prescribed" and "regulations", see section 579(1) of the 1996 Act (by virtue of section 212(2) and (3) of the Education Act 2002).

(**c**) 2010 c. 32 ("the 2010 Act"). Section 1D was inserted by section 53(7) of the Education Act 2011 (c. 21).

(**d**) 2012 c. 7. Section 251C was inserted by section 4 of the Health and Social Care (Safety and Quality) Act 2015 (c. 28). There are other amendments to section 251C that are not relevant to these Regulations.

(**e**) 2026 c. 21. For the meaning of "relevant requirement" see section 55(5) of the Children's Wellbeing and Schools Act 2026.

PART 1

Introduction

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026.

(2) These Regulations come into force on 26th July 2026.

(3) These Regulations extend to England and Wales.

(4) In these Regulations—

"the 2002 Act" means the Education Act 2002;

"the 2010 Regulations" means the Education (Educational Provision for Improving Behaviour) Regulations 2010(**a**);

"the 2013 Regulations" means the Education (Information about Individual Pupils) (England) Regulations 2013(**b**);

"Academy" means an Academy school(**c**) or an alternative provision Academy(**d**);

"relevant requirement" means a requirement imposed by the proprietor of an Academy on a registered pupil to attend any place outside the premises of the Academy for the purpose of receiving educational provision which is intended to improve the behaviour of the pupil.

Amendments to regulation 4A of the 2010 Regulations

2. In regulation 4A(**e**) of the 2010 Regulations (persons who may request a review meeting), in paragraph (1)(b)—

(a) for "a statement of special educational needs" substitute "an EHC plan"(**f**);

(b) for "statement", in the second place it occurs, substitute "plan".

PART 2

Educational provision for improving behaviour in Academies

Application and modification of section 29A of the 2002 Act in relation to Academies

3. Section 29A of the 2002 Act (power of governing body in England: educational provision for improving behaviour) applies in relation to Academies as if—

(a) any reference to a governing body of a maintained school were a reference to a proprietor of an Academy;

(b) any reference to a maintained school were a reference to an Academy;

(**a**) S.I. 2010/1156; relevant amending instruments are S.I. 2012/2532 and 2014/2103.
(**b**) S.I. 2013/2094. Paragraph 18A was inserted by S.I. 2022/599.
(**c**) For the meaning of "Academy school", see section 1A of the 2010 Act.
(**d**) For the meaning of "alternative provision Academy", see section 1C of the 2010 Act.
(**e**) Regulation 4A was inserted by S.I. 2012/2532.
(**f**) For the meaning of "EHC plan", see section 579(1) of the 1996 Act as amended by paragraph 59(a) of Schedule 3 to the Children and Families Act 2014 (c. 6).

(c) subsection (2) were omitted.

Application and modification of the 2010 Regulations in relation to Academies

4.—(1) The 2010 Regulations apply in relation to Academies as if—

(a) any reference to a requirement imposed under section 29A(1) of the 2002 Act included a reference to a relevant requirement imposed before 26th July 2026;

(b) any reference to a maintained school were a reference to an Academy;

(c) any reference to a governing body were a reference to a proprietor;

(d) any reference to a head teacher of a school were a reference to a principal of an Academy;

(e) in regulation 5(**a**) (conduct of review meetings), in paragraph (3)—

(i) in the words before sub-paragraph (a), for "member of the governing body" there were substituted "person nominated by the proprietor";

(ii) sub-paragraph (b) were omitted.

(2) In this regulation "principal" means the head teacher of an Academy and includes an acting principal.

Relevant requirements imposed by the proprietor of an Academy before 26th July 2026

5. Where a pupil remains subject to a relevant requirement that was imposed by the proprietor of an Academy before 26th July 2026, the 2010 Regulations apply to that relevant requirement as if—

(a) in regulation 3 (requirements and other matters relating the imposition of a requirement upon a pupil under section 29A(1) of the 2002 Act)—

(i) in paragraph (1), for "determine that they will impose" there were substituted "has imposed";

(ii) for paragraph (2) there were substituted—

"(2) The notice must be given as soon as practicable after 26th July 2026 and not less than six days before the date of the first scheduled review meeting under regulation 4(1)(a).";

(iii) paragraph (4)(b) were omitted;

(b) in regulation 4 (requirement to keep under review the imposition of a requirement upon a pupil under section 29A(1) of the 2002 Act), for paragraph (1)(a) there were substituted—

"(a) holding the first review meeting as soon as reasonably practicable after 1st August 2026, and then further review meetings at such intervals as it, having regard to the needs of the pupil, considers appropriate; and";

(c) in regulation 4A, in paragraph (3), after "practicable", there were inserted "after 1st August 2026".

(**a**) Regulation 5 was amended by S.I. 2014/2103.

PART 3

Educational provision for improving behaviour in Pupil Referral Units

Application and modification of section 29A of the 2002 Act in relation to pupil referral units in England

6. Section 29A of the 2002 Act applies in relation to pupil referral units(**a**) in England as if—

(a) any reference to a governing body of a maintained school were a reference to a management committee of a pupil referral unit;

(b) any reference to a maintained school were a reference to a pupil referral unit;

(c) subsection (2) were omitted.

Application and modification of the 2010 Regulations in relation to pupil referral units in England

7. The 2010 Regulations apply in relation to pupil referral units in England as if—

(a) any reference to a maintained school were a reference to a pupil referral unit;

(b) any reference to a governing body were a reference to a management committee;

(c) any reference to a head teacher were a reference to a teacher in charge.

PART 4

Amendments to other secondary legislation

Amendment to the 2013 Regulations

8. In paragraph 18A of Schedule 1 to the 2013 Regulations (provision of information about individual pupils), for sub-paragraph (2)(a), substitute—

"(a) is required to attend at any place outside the premises of the school, academy or unit for the purpose of receiving education provision which is intended to improve their behaviour by—

(i) the governing body of a maintained school,

(ii) the proprietor of an Academy school,

(iii) the proprietor of an alternative provision Academy, or

(iv) the management committee of a pupil referral unit,

pursuant to section 29A of the Education Act 2002;".

Amendments to the Health and Social Care Act 2012 (Continuity of Information: Interpretation) Regulations 2015

9. In the Schedule to the Health and Social Care Act 2012 (Continuity of Information: Interpretation) Regulations 2015(**b**) (relevant health or adult social care commissioner or provider; excluded persons)—

(a) for paragraph (aa), substitute—

(**a**) For the meaning of "pupil referral unit", see section 19(2B) of the 1996 Act which was inserted by S.I. 2007/1507.
(**b**) S.I. 2015/1470.

"(aa) a person providing—

(i) instruction or training pursuant to a requirement imposed by a governing body of a maintained school under section 29(3) of the Education Act 2002 (requirement for pupils to attend at a place outside school premises for instruction or training), or

(ii) education pursuant to a requirement imposed by a governing body of a maintained school, a proprietor of an Academy school or alternative provision Academy, or a management committee of a pupil referral unit under section 29A of the Education Act 2002 (educational provision for improving behaviour);";

(b) in paragraph (bb), for "induction" substitute "instruction".

PART 5

Saving provision

Saving Provision

10.—(1) Paragraph (2) applies where, on 26th July 2026, a pupil of an Academy remains subject to a relevant requirement that was imposed before that date.

(2) Where this paragraph applies, paragraph 18A(2)(a) of Schedule 1 to the 2013 Regulations, as it stood before 26th July 2026, continues to apply to the Academy, in respect of that pupil, for the duration of the relevant requirement.

Josh MacAlister
Parliamentary Under-Secretary of State
Department for Education

21st May 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify section 29A of the Education Act 2002 (c. 32) ("the 2002 Act") and the Education (Educational Provision for Improving Behaviour) Regulations 2010 (S.I. 2010/1156) ("the 2010 Regulations"), so that they apply to Academy schools and alternative provision Academies ("Academies"), and to pupil referral units (in England) in the same way that they apply to maintained schools in England, with specific modifications. These are the first regulations that exercise the power contained within section 29A(5) of the 2002 Act.

Regulation 2 replaces a reference to a statement of special educational needs with a reference to an Education, Health and Care plan ("EHC plan"), correcting an error contained in the Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/2103) ("the 2014 Order"). These Regulations are therefore being issued free of charge to known recipients of the 2014 Order.

Regulation 5 makes specific provision for circumstances where, before these Regulations come into force, a proprietor of an Academy has imposed a requirement on a pupil to attend a place away from the premises of the Academy for the purpose of receiving educational provision to improve the pupils behaviour ("a requirement"), and the pupil remains subject to that requirement immediately after these Regulations come into force. In those circumstances, proprietors who had imposed such a requirement will be obliged to carry out an initial review as soon as reasonably practicable after 1st August 2026, and conduct subsequent reviews at appropriate intervals. They will also be required to provide prescribed notices at least six days prior to any initial review meeting.

Regulations 8 and 9 make amendments to the Education (Information about Individual Pupils) (England) Regulations 2013 (S.I. 2013/2094) ("the 2013 Regulations") and the Health and Social Care Act 2012 (Continuity of Information: Interpretation) Regulations 2015 (S.I. 2015/1470) ("the 2015 Regulations") respectively, to reflect the application of section 29A of the 2002 Act and the 2010 Regulations to Academies and pupil referral units. Regulation 9 further corrects an error in paragraph (bb) of the Schedule to the 2015 Regulations. Consequently these Regulations are being issued free of charge to known recipients of the 2015 Regulations.

Regulation 10 makes saving provision relating to Academies, where a proprietor has imposed a requirement on a pupil that starts before these Regulations come into force, and continues to be in effect after these Regulations come into force. In such circumstances, paragraph 18A(2)(a) of Schedule 1 to the 2013 Regulations, as it stood before the amendments made by these Regulations, continues to apply to that Academy in respect of the pupil for the duration of the requirement.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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