EXPLANATORY MEMORANDUM TO

THE EDUCATION (REINTEGRATION INTERVIEW) (ENGLAND) REGULATIONS 2007

2007 No. 1868

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. These regulations prescribe cases when the head teacher of a maintained school, an Academy, City Technology College, city college for the technology of the arts or the teacher in charge of a pupil referral unit is required to request the parent of a pupil of compulsory school age who has been temporarily excluded from a primary school for any fixed period or from a secondary school for any fixed period of five or more school days to attend a reintegration interview for the purposes of assisting the reintegration of the pupil following his exclusion and promoting an improvement in his behaviour. The regulations also prescribe the procedure for arranging the interview, which is by sending a notice to the parent containing details of the time and date of the interview, the duration, venue and the fact that a failure by the parent without reasonable excuse to attend a reintegration interview must be taken into account by a court when deciding whether to make a parenting order in respect of the parent.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative Background

4.1. Section 102 of the Education and Inspections Act 2006 provides that the Secretary of State in relation to England and the Assembly in relation to Wales may make regulations requiring reintegration interviews to take place with the parents of temporarily excluded pupils. This Statutory Instrument sets out the arrangements in England.

5. Territorial Extent and Application

5.1. This instrument applies to England only.

6. European Convention on Human Rights

6.1. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1. A report entitled *Learning behaviour The Report of The Practitioners' Group on School Behaviour and Discipline* ("the Steer Report") published by the DfES in October 2005 recommended amongst other things that reintegration interviews, currently good practice, should be made mandatory following any fixed period exclusion from a primary or special school and following any fixed period exclusion of over five days in a secondary school. The Government in its White Paper "Higher Standards, Better Schools for All" (Cm 6677 October 2005) announced its intention to legislate to give effect to this recommendation. Section 102 of the Education and Inspections Act 2006 requires the

school to arrange the interview: there is no legal duty on the parent to attend it, although their failure to do so must be taken into account by the Court where an application for a parenting order is made. In Spring 2007 the DfES undertook a full public consultation (publicised to all schools and local education authorities and inviting key stakeholders to comment) on revised Guidance on exclusion including arrangements for reintegration interviews. A draft of the regulations was included in the consultation document. No respondents commented on the draft Instrument.

7.2. The Department for Education and Skills will publish guidance on the regulations in *Improving Behaviour and Attendance Guidance on Exclusion from Schools and Pupil Referral Units* in July 2007.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2. The impact on the public sector is that head teachers and teachers in charge of a pupil referral unit or a senior staff member nominated by them must set aside time as the need arises to conduct reintegration interviews. Such interviews are good practice in many schools and pupil referral units already, so in those cases no new burden is imposed. Clearly, this imposes a new burden on those schools and pupil referral units which do not hold reintegration interviews as a matter of course.

9. Contact

Peter Baldwinson at the Department for Education and Skills (tel: 020 7273 6152 or e-mail: peter.baldwinson@dfes.gsi.gov.uk) can answer any queries regarding the instrument.