

Explanatory Memorandum
The Education (Reintegration Interview) (Wales) Regulations 2010

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (Reintegration Interview) (Wales) Regulations 2010 and I am satisfied that the benefits outweigh any costs.

Leighton Andrews

Minister for Children, Education and Lifelong Learning

10 December 2010

Description

1. The Education (Reintegration Interview) (Wales) Regulations 2010 introduce a requirement for head teachers of schools to request the parents of a pupil's attendance at a reintegration interview following a period of fixed-term exclusion.

Matters of special interest to the Constitutional Affairs Committee

2. There are no matters of special interest in relation to these Regulations.

Legislative background

3. The powers to make these Regulations are contained in sections 102 and 181 of the Education and Inspections Act 2006. 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.
4. This Statutory Instrument follows the negative resolution procedure.

Purpose and intended effect of the legislation

5. The Education (Reintegration Interview) (Wales) Regulations 2010 put in place a requirement for head teachers of schools in prescribed cases to request a parent to attend a reintegration interview following a period of fixed-term exclusion in order to provide the opportunity to discuss with parents or carers how best the pupil can return to school.
6. The reintegration interviews are mandatory, in that schools will have to offer them and a parent will be expected, though not required, to attend them. This requirement will apply to a parent of a primary aged pupil following a fixed-term exclusion of any length, and of a secondary aged pupil for a fixed period of six or more school days.
7. The interview provides an opportunity to:
 - emphasise the importance of parents working with the school to take joint responsibility for the child's behaviour;
 - discuss how behaviour problems can be addressed;
 - explore wider issues and any circumstances that may be affecting the child or young person's behaviour; and
 - reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour.

8. A parent's failure to attend the interview will be a factor which will be taken into account by the courts in deciding whether or not to impose a parenting order on the parent. If a parent does not attend, however, this should not affect the child's return to school; an exclusion cannot be extended because a parent did not attend a reintegration interview.
9. The Head Teacher must give notice in writing to the parent in relation to:
 - the date, time and duration of the reintegration interview.
 - the purpose of the interview.
 - the duty of the court, in deciding whether to make a parenting order in respect of a parent to take into account a failure by the parent without reasonable excuse to attend a reintegration interview when requested to do so.
10. The notice must be given no later than six school days before the date of the reintegration interview
11. The Welsh Assembly Government considers that reintegration interviews represent an additional important element to ensure that more parents engage with schools in addressing their child's behaviour and for that reason is making it compulsory for schools to request parents to attend reintegration interviews following fixed-term exclusions.

Consultation

12. A consultation exercise took place between 26 November 2009 and 17 February 2010. The 'Safe and Effective Intervention' consultation sought views on new legislation covering behaviour and discipline contained in the Education and Inspections Act 2006; revised guidance on the use of force; and new powers to search for weapons contained in the Violent Crime Reduction Act 2006
13. We received 19 responses to the consultation from stakeholders, which included governing bodies and head teachers of schools and pupil referral units in Wales, local authorities, teaching and other unions and national and local bodies within Wales with an interest in education. The new powers and proposed introduction of regulations for reintegration interviews were largely supported by consultation respondents.

REGULATORY IMPACT ASSESSMENT

Options

Option 1: Do nothing

14. In the event of the instrument not coming into force, then we would continue to recommend that reintegration interviews should be used as good practice by schools for reintegration following fixed-term exclusions.

Option 2: Make the regulations

15. By making the regulations we would be able to require head teachers of schools to request that a parent of a pupil excluded for a fixed term to attend a reintegration interview at the school. The reintegration interviews would represent an additional important element to ensure that more parents engage with schools in addressing their child's behaviour.

Costs and benefits

16. These new Regulations have no direct financial implication for the Welsh Assembly Government.

17. The main benefit of these regulations is that they support a more consistent approach to reintegration following fixed-term exclusion and provide an opportunity to:

- emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- discuss how behavioural problems can be addressed;
- explore wider issues and any circumstances that may be affecting the child or young person's behaviour
- reach agreement on how the child's education should continue and how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour.

18. There may be an additional burden on schools that do not currently provide reintegration interviews as a measure of good practice. These costs should be minimal and the benefit of the reintegration interviews will outweigh any of the costs associated with conducting a reintegration interview.

Consultation

19. As paragraphs 12 and 13.

Post implementation assessment

20. Local authorities will monitor schools to ensure that they are offering these interviews to parents.

Summary

21. The new Education (Reintegration Interview) (Wales) Regulations 2010 represent an additional important element to ensure that more parents engage with schools in addressing their child's behaviour after a period of fixed-term exclusion and provide the opportunity to discuss with parents or carers how best the pupil can return to school and any further support they need to be successful.