

*Status: Point in time view as at 01/09/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1993 (repealed), SCHEDULE 18. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 18

Section 298

#### PUPIL REFERRAL UNITS

##### *General adaptations of enactments*

- 1 References in any enactment to the proprietor or governing body of a school shall be read, in relation to a pupil referral unit, as references to the local education authority.
- 2 References in any enactment to the head teacher of a school shall be read, in relation to a pupil referral unit, as references to the teacher in charge of the unit (whether known as the head teacher or not).

##### *Modifications of enactments by regulations*

- 3 Regulations may provide for any enactments relating to schools maintained by local education authorities (or schools including such schools)—
  - (a) to apply in relation to pupil referral units,
  - (b) to apply in relation to such units with such modifications as may be prescribed, or
  - (c) not to apply in relation to such units.

##### *Registration*

- 4 (1) A person who is registered as a pupil at a school other than a pupil referral unit shall not, by reason only of being registered also as a pupil at such a unit, cease for the purposes of the Education Acts to be treated as a registered pupil at that school.  
(2) In this Schedule, “registered” means shown in the register kept under section 80 of the <sup>M1</sup>Education Act 1944.

#### **Marginal Citations**

**M1** 1944 c. 31.

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### *Application of Local Government Act 1986*

- 5 A pupil referral unit is a maintained school for the purposes of section 2A(1)(b) of the <sup>M2</sup>Local Government Act 1986 (prohibition on promoting homosexuality).

**Marginal Citations**

**M2** 1986 c. 10.

### *Curriculum*

- 6 (1) Section 17 of the <sup>M3</sup>Education (No. 2) Act 1986 (duty of LEA to state policy) applies in relation to pupil referral units as it applies in relation to county schools.
- (2) In relation to every pupil referral unit, the Secretary of State, the local education authority and the teacher in charge shall exercise their functions with a view to securing that the curriculum for the unit satisfies the requirements of section 1 of the <sup>M4</sup>Education Reform Act 1988 (balanced and broadly based curriculum) and of any other enactment which applies to the curriculum for pupil referral units.
- (3) Each local education authority shall, with the approval of the Secretary of State, make arrangements for the consideration and disposal of any complaint to the effect that the authority, or the teacher in charge of any pupil referral unit—
- (a) have acted or are proposing to act unreasonably with respect to the exercise of any power conferred, or the performance of any duty imposed, on them by or under any enactment referred to in sub-paragraph (2) above, or
  - (b) have failed to discharge any such duty.
- (4) The Secretary of State shall not entertain under section 68 or 99 of the Education Act 1944 any complaint in respect of any local education authority, being a complaint—
- (a) for which arrangements are required to be made under sub-paragraph (3) above, or
  - (b) that a local education authority have failed to exercise their powers to secure compliance by the teacher in charge of a pupil referral unit with any such duty as is referred to in that sub-paragraph,
- unless a complaint in respect of the local education authority or, as the case may be, the teacher in charge of the unit has been made in respect of the same matter and disposed of in accordance with arrangements under that sub-paragraph.

**Marginal Citations**

**M3** 1986 c. 61.

**M4** 1988 c. 40.

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### *Discipline*

- 7 The teacher in charge of a pupil referral unit may on disciplinary grounds exclude a pupil from the unit.

#### *Political indoctrination, political issues and sex education*

- 8 Sections 44 to 46 of the <sup>M5</sup>Education (No. 2) Act 1986 (political indoctrination, treatment of political issues and sex education) apply in relation to pupil referral units as they apply in relation to county schools.

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**Marginal Citations**

**M5** 1986 c. 61.

### *Charges*

- 9 (1) Sections 106 to 111 and 118 of the <sup>M6</sup>Education Reform Act 1988 (charges) apply in relation to pupil referral units as if the references to governing bodies were omitted.
- (2) Section 111(2)(b) of that Act shall have effect in relation to a pupil provided with board and lodging at a unit as if after “that” there were inserted “ for the time being ”.

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**Marginal Citations**

**M6** 1988 c. 40.

### *Application of Environmental Protection Act 1990*

- 10 A pupil referral unit is an educational institution for the purposes of Part IV of the <sup>M7</sup>Environmental Protection Act 1990 (litter).

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**Marginal Citations**

**M7** 1990 c. 43.

### *Information*

- 11 Each local education authority shall make available, on such occasions, and in such form and manner, as may be prescribed, to registered parents of registered pupils at any pupil referral unit such information about the unit as may be prescribed.

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### *Disapplication of Schedule 2*

- 12 Schedule 2 to this Act does not apply in relation to pupil referral units or the provision for pupils at such units of board and lodging (whether at units or elsewhere).

### *Children with special educational needs*

- 13 Sections 161(1) to (4), 162 and 168(5)(b) of this Act, and paragraph 3(4) of Schedule 10 to this Act, apply in relation to pupil referral units as they apply in relation to maintained schools.

### *School attendance orders*

- 14 (1) Where a pupil referral unit is named in a school attendance order—
- (a) the local education authority shall inform the teacher in charge of the unit, and
  - (b) if another local education authority are responsible for determining the arrangements for the admission of pupils to the unit, that authority shall admit the child to the unit;
- but paragraph (b) above does not affect any power to exclude from a unit a pupil who is already a registered pupil there.
- (2) The reference to a school in section 193(4) of this Act does not include a pupil referral unit.
- (3) A local education authority shall, before deciding to specify a particular pupil referral unit in a notice under section 193(2) of this Act where another local education authority are responsible for determining the arrangements for the admission of pupils to the unit, consult that authority and, if they decide to specify the unit in the notice, they shall serve notice in writing of their decision on that authority.
- (4) Section 194(7) and (8) of this Act applies where a notice is served on a local education authority under sub-paragraph (3) above as it applies where notice is served under subsection (6) of that section.
- (5) The parent of a child in respect of whom a school attendance order is in force may not under section 195 of this Act request the local education authority to amend the order by substituting a pupil referral unit for the school named in the order.
- (6) Where a child is a registered pupil at both a pupil referral unit and at a school other than a unit, the references in section 199 of this Act to the school at which he is a registered pupil shall be read as references to the unit.

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