

2012 No. 619

EDUCATION, ENGLAND

**The School Behaviour (Determination and Publicising of
Measures in Academies) Regulations 2012**

Made - - - - *29th February 2012*

Laid before Parliament *7th March 2012*

Coming into force - - *1st April 2012*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 550ZA(4B)(b) and 569(4) of the Education Act 1996(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 and come into force on 1st April 2012.

(2) In these Regulations—

“Academy” means an Academy school or an alternative provision Academy(b);

“member of staff” means a teacher or any other person who works at the school (whether for payment or not);

“principal” means head teacher.

Determination of measures

2.—(1) Measures relating to discipline which identify ‘prohibited items’ for the purposes of section 550ZA(3)(g)(c) of the Education Act 1996 in an Academy must be determined by the principal of the Academy.

(2) The principal must in determining such measures have regard to any guidance given by the proprietor(d) of the Academy.

(3) Before determining such measures the principal must consult—

(a) the proprietor of the Academy;

(b) such members of staff at the Academy as it appears to the principal to be appropriate to consult;

(c) parents of registered pupils at the Academy; and

(a) 1996 c. 56. Section 550ZA was inserted by section 242(1) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 2 of the Education Act 2011 (“the 2011 Act”) (c. 21). For the meaning of “regulations” see section 579(1) of the Education Act 1996 (“the 1996 Act”).

(b) For the meaning of Academy school and alternative provision Academy see, by virtue of section 579(1) of the 1996 Act, sections 1A and 1C respectively of the Academies Act 2010 (c. 32) which were inserted by section 53 of the 2011 Act.

(c) Section 550ZA(3)(g) was inserted by section 2(2)(b) of the 2011 Act.

(d) For the meaning of proprietor, see section 579(1) of the 1996 Act.

- (d) registered pupils at the Academy.

Publicising measures

3. The measures determined by the principal in accordance with regulation 2 must be publicised by the principal in the form of a written document as follows—

- (a) the principal must make such measures generally known within the Academy, and to parents of registered pupils at the Academy;
- (b) the principal must in particular, at least once in every school year, take steps to bring such measures to the attention of all such pupils, their parents and members of staff.

29th February 2012

Jonathan Hill
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under section 550ZA(4B)(b) of the Education Act 1996, set out the processes that the principal of an Academy school or alternative provision Academy must follow where they wish to determine measures that identify items for which a pupil may be searched without the pupil's consent. The processes broadly mirror those for maintained schools and non-maintained special schools under section 89 of the Education and Inspections Act 2006.

Regulation 2 sets out the process that the principal of the Academy must follow in determining the measures. The principal must have regard to any guidance given by the proprietor of the Academy and when determining the measures must consult the proprietor, members of staff, registered pupils and their parents.

Regulation 3 sets out the process that the principal must follow in publicising the measures. The measures must be contained in a written document. The proprietor must take steps to make the measures generally known within the Academy, amongst parents of registered pupils at the Academy and at least annually bring the measures to the attention of registered pupils, their parents and members of staff.

An impact assessment has not been produced for this instrument because it has no impact on businesses, the public sector or civil society organisations.

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