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STATUTORY INSTRUMENTS

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**2006 No. 1915**

**The Education (Northern Ireland) Order 2006**

**PART III**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Suspension and expulsion of pupils from grant-aided schools*

**Appeals against expulsion**

- 32.**—(1) Where the relevant board decides to expel a registered pupil from a controlled school—
- (a) that board shall immediately—
    - (i) inform the Board of Governors of the school concerned of that decision; and
    - (ii) inform the relevant person of that decision and of his right of appeal; and
  - (b) the relevant person may appeal against that decision to the appeal tribunal constituted in accordance with regulations under paragraph (6).
- (2) Where the Board of Governors of any grant-aided school other than a controlled school decides to expel a registered pupil from that school—
- (a) the Board of Governors shall immediately inform the relevant person of that decision and of his right of appeal; and
  - (b) the relevant person may appeal against that decision to the appeal tribunal constituted in accordance with regulations under paragraph (6).
- (3) In this Article “the relevant person” means—
- (a) in relation to a pupil under the age of 18, a parent of his;
  - (b) in relation to a pupil who has attained that age, the pupil himself.
- (4) On the hearing of an appeal under this Article the appeal tribunal may—
- (a) allow the appeal and direct that the pupil be re-admitted to the school; or
  - (b) dismiss the appeal.
- (5) It shall be the duty of the Board of Governors of the school to comply with any direction given under paragraph (4)(a).
- (6) The Department shall by regulations provide for the constitution and procedure of an appeal tribunal to hear and determine appeals under this Article.
- (7) Regulations under paragraph (6) may in particular—
- (a) provide for the tribunal to consist of a prescribed number of persons selected in the prescribed manner from a panel or panels of persons appointed by the Department to act as members of the tribunal;
  - (b) provide for disqualifying prescribed persons or descriptions of person for membership of the tribunal;

- (c) contain provision requiring—
    - (i) the appeal to be brought; and
    - (ii) the tribunal to hear and determine an appeal,  
within such period as may be specified in, or determined in accordance with, the regulations;
  - (d) provide for representations to be made to the tribunal by or on behalf of the Board of Governors of the school concerned, the relevant person and (in the case of a controlled school) the relevant board;
  - (e) provide for the tribunal in determining an appeal to have regard in particular to any prescribed matters;
  - (f) provide for the tribunal to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;
  - (g) provide that all matters relating to the procedure of a tribunal which are not specifically regulated by the regulations are to be determined by the Department.
- (8) The Department may make payments by way of travelling and subsistence allowances to members of the appeal tribunal.
- (9) Payments under paragraph (8) shall be made at such rates and on such conditions as may be determined by the Department.