



Education Act 1997

1997 CHAPTER 44

PART II

SCHOOL DISCIPLINE

Exclusion of pupils from school

6 Variation of limit on fixed-period exclusions: all maintained schools

- (1) In section 156 of the Education Act 1996 (exclusion of pupils from county, voluntary or maintained special school), in subsection (2) (which imposes a limit on fixed-period exclusions of 15 school days per term), for “15 school days in any one term” there shall be substituted “45 school days in any one school year”.
- (2) In section 307 of that Act (exclusion of pupils from grant-maintained school), in subsection (1) (which also imposes a limit on fixed-period exclusions of 15 school days per term), for “15 school days in any one term” there shall be substituted “45 school days in any one school year”.

7 Exclusion or reinstatement appeals: LEA-maintained schools

- (1) Schedule 16 to the Education Act 1996 (appeals against exclusion or reinstatement of pupils) shall be amended as follows.
- (2) After paragraph 7 there shall be inserted—
 - “7A (1) For the purpose of fixing the time (falling within the period mentioned in paragraph 7) at which the hearing of an appeal is to take place, the body mentioned in that paragraph shall take reasonable steps to ascertain any times falling within that period when—
 - (a) the relevant person, or
 - (b) any other person who wishes, and would be entitled, to appear and make oral representations in accordance with paragraph 8 or 9, would be able to attend.

Status: This is the original version (as it was originally enacted).

- (2) Where in accordance with sub-paragraph (1) that body have ascertained any such times in the case of any such person, they shall, when fixing the time at which the hearing is to take place, take those times into account with a view to ensuring, so far as it is reasonably practicable to do so, that that person is able to appear and make such representations at the hearing.”
- (3) For paragraph 8 there shall be substituted—
- “8 (1) On an appeal by a pupil or parent the appeal committee shall give the appellants an opportunity of appearing and making oral representations, and shall allow him to be represented or to be accompanied by a friend.
- (2) On such an appeal the committee shall allow—
- (a) the head teacher to make written representations and to appear and make oral representations,
 - (b) the local education authority and the governing body to make written representations,
 - (c) an officer of the authority nominated by the authority, and a governor nominated by the governing body, to appear and make oral representations, and
 - (d) the governing body to be represented.”
- (4) After paragraph 12 there shall be inserted—
- “12A (1) In deciding—
- (a) whether the pupil in question should be reinstated (and, if so, the time when this should take place), or
 - (b) whether any direction for the reinstatement of the pupil in question should be confirmed,
- an appeal committee shall have regard to both the interests of that pupil and the interests of other pupils at his school and members of its staff.
- (2) In making any such decision an appeal committee shall also have regard to the measures publicised by the head teacher under section 154(7).
- (3) Sub-paragraphs (1) and (2) do not apply where an appeal committee decides that the pupil in question was not guilty of the conduct which the head teacher relied on as grounds for his permanent exclusion.
- (4) Sub-paragraphs (1) and (2) shall not be read as precluding an appeal committee from having regard to any other relevant matters.”

8 Exclusion appeals: grant-maintained and grant-maintained special schools

- (1) After section 307 of the Education Act 1996 there shall be inserted—

“307A Exclusion appeals

Schedule 25A to this Act has effect in relation to the procedure on any appeal which—

Status: This is the original version (as it was originally enacted).

- (a) is made in pursuance of arrangements made by the governing body of a grant-maintained school by virtue of paragraph 6(1) and (2) of Schedule 23 (content of articles of government), and
 - (b) relates to a decision not to reinstate a pupil who has been permanently excluded from the school.”
- (2) After Schedule 25 to that Act there shall be inserted as Schedule 25A the Schedule set out in Schedule 1 to this Act.
- (3) At the end of Schedule 28 to that Act (government and conduct of grant-maintained special schools) there shall be added—
 - “16 Section 307A and Schedule 25A (exclusion appeals) apply in relation to a grant-maintained special school as they apply in relation to a grant-maintained school, but as if any reference in those provisions to any provision of Schedule 23 were a reference to that provision as it applies in accordance with regulations under paragraph 14 above.”