



# Education Act 2002

## 2002 CHAPTER 32

### PART 3

#### MAINTAINED SCHOOLS

### CHAPTER 3

#### ADMISSIONS, EXCLUSIONS AND ATTENDANCE

#### *Exclusion of pupils*

#### **52 Exclusion of pupils**

- (1) The head teacher of a maintained school may exclude a pupil from the school for a fixed period or permanently.
- (2) The teacher in charge of a pupil referral unit may exclude a pupil from the unit for a fixed period or permanently.
- (3) Regulations shall make provision—
  - (a) requiring prescribed persons to be given prescribed information relating to any exclusion under subsection (1) or (2),
  - (b) requiring the responsible body, in prescribed cases, to consider whether the pupil should be reinstated,
  - (c) requiring the local education authority to make arrangements for enabling a prescribed person to appeal, in any prescribed case, to a panel constituted in accordance with the regulations against any decision of the responsible body not to reinstate a pupil, and
  - (d) as to the procedure on appeals.
- (4) Regulations under this section may also make provision—
  - (a) for the payment by the local education authority of allowances to members of a panel constituted in accordance with the regulations,

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*Status: This is the original version (as it was originally enacted).*

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- (b) requiring a person or body exercising functions under subsection (1) or (2) or under the regulations to have regard to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales,
  - (c) requiring local education authorities to give prescribed information to the Secretary of State or the Assembly, as the case may be, and
  - (d) in relation to any other matter relating to the exercise of the powers conferred by subsections (1) and (2).
- (5) In subsection (3), “the responsible body” means—
- (a) in relation to exclusion from a maintained school, the governing body of the school, and
  - (b) in relation to exclusion from a pupil referral unit, such person as may be prescribed;
- and, in relation to any time when no responsible body is prescribed in relation to permanent exclusion from a pupil referral unit, subsection (3) shall have effect in relation to such an exclusion with the omission of paragraph (b) and as if the decision referred to in paragraph (c) were the decision of the teacher in charge of the unit permanently to exclude the pupil.
- (6) Regulations made by virtue of subsection (4)(a) may provide for any of the provisions of sections 173 to 174 of the Local Government Act 1972 (c. 70) (allowances to members of local authorities and other bodies) to apply with prescribed modifications in relation to members of a panel constituted in accordance with regulations under this section.
- (7) Regulations shall make provision enabling a prescribed person, in any prescribed case, to appeal to a panel constituted in accordance with the regulations against any decision made after 31st August 1994 under paragraph 7 of Schedule 1 to the Education Act 1996 (c. 56), or any enactment repealed by that Act, in relation to the permanent exclusion of a pupil from a pupil referral unit; and the provision that may be made by regulations made by virtue of this subsection in relation to any such decision includes any provision that could after the commencement of subsections (2) to (4) be made in relation to a decision falling within subsection (3)(c).
- (8) Regulations under this section which—
- (a) relate to exclusions from pupil referral units (whether before or after the passing of this Act), and
  - (b) are made before the repeal by this Act of the existing enactments is fully in force,
- may provide for any provision made by or under the existing enactments to have effect in relation to exclusions from pupil referral units with such modifications as may be prescribed.
- (9) In subsection (8) “the existing enactments” means sections 64(2) and (3) and 65 to 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (c. 31).
- (10) In this section “exclude”, in relation to the exclusion of a child from a school or pupil referral unit, means exclude on disciplinary grounds (and “exclusion” shall be construed accordingly).
- (11) In this section “maintained school” has the same meaning as in Chapter 1.