

Status: Point in time view as at 19/06/2012.

Changes to legislation: Equality Act 2010, Cross Heading: Exclusions is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 17

DISABLED PUPILS: ENFORCEMENT

Modifications etc. (not altering text)

- C1** [Sch. 17](#): power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 18(2)(c) (as amended by [S.I. 2011/1651](#), [art. 12\(b\)](#)); [S.I. 2012/320](#), [art. 2\(g\)](#))

PART 4

ADMISSIONS AND EXCLUSIONS

Exclusions

- 14 (1) This paragraph applies if appeal arrangements have been made in relation to exclusion decisions.
- (2) A claim that a responsible body has, because of a person's disability, contravened Chapter 1 of Part 6 in respect of an exclusion decision must be made under the appeal arrangements.
- (3) The body hearing the claim has the powers it has in relation to an appeal under the appeal arrangements.
- (4) Appeal arrangements are arrangements under—
- (a) section 52(3) of the Education Act 2002, or
 - (b) an agreement between the responsible body for an Academy and the Secretary of State under section 482 of the Education Act 1996,
- enabling an appeal to be made by [^{F1}the person or] the person's parent against the decision.
- (5) An exclusion decision is—
- (a) a decision of a kind mentioned in 52(3) of the Education Act 2002;
 - (b) a decision taken by the responsible body or on its behalf not to reinstate a pupil who has been permanently excluded from an Academy by its head teacher.
- (6) “Responsible body”, in relation to a maintained school, includes the discipline committee of the governing body if that committee is required to be established as a result of regulations made under section 19 of the Education Act 2002.

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(7) “Maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998.

Textual Amendments

- F1** Words in [Sch. 17 para. 14\(4\)](#) inserted (4.4.2011) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), **6(3)**

Commencement Information

- II** [Sch. 17 para. 14](#) wholly in force; [Sch. 17](#) not in force at Royal Assent see [s. 216](#); [Sch. 17 Pt. 4](#) in force at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(9\)\(k\)\(iii\)](#) (with [art. 15](#), and subject to transitional provision in [art. 7](#))

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