

SCHEDULES

SCHEDULE 1

Section 4

REVIEW OF EXCLUSIONS FROM SCHOOLS IN ENGLAND: CONSEQUENTIAL AMENDMENTS

Local Government Act 1972 (c. 70)

- 1 In section 177 of the Local Government Act 1972 (provisions supplementary to provisions on allowances), in subsection (1A)—
- (a) before paragraph (c) insert—
 - “(ba) regulations made by virtue of section 51A(8) of the Education Act 2002 (allowances for exclusion review panels: England);”;
 - (b) in paragraph (c), for the words from “the Education Act” to the end substitute “that Act (allowances for exclusion appeal panels: Wales); and”.

Local Government Act 1974 (c. 7)

- 2 In section 25 of the Local Government Act 1974 (authorities subject to investigation), in subsection (5)(e)—
- (a) for “appeal” substitute “review”;
 - (b) for “section 52” substitute “section 51A”.
- 3 In section 31A of that Act (consideration of adverse reports), in subsection (3)(c), for “exclusion appeal panel” substitute “exclusion review panel”.

Tribunals and Inquiries Act 1992 (c. 53)

- 4 In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of the Council), in paragraph 15 (education), after sub-paragraph (a), insert—
- “(aa) exclusion review panels constituted in accordance with regulations under section 51A of the Education Act 2002;”.

EA 1996

- 5 EA 1996 is amended as follows.
- 6 In section 444ZA (application of section 444 to alternative educational provision), in subsection (1D), in paragraph (a), for “section 52” substitute “section 51A”.
- 7 In Schedule 35B (meaning of “eligible child” for purposes of school travel arrangements), in paragraph 8(2)(b), for “section 52” substitute “section 51A”.

SSFA 1998

8 Section 87 of SSFA 1998 (no requirement to admit children permanently excluded from two or more schools) is amended as follows.

9 After subsection (3) insert—

“(3A) A child who has been permanently excluded from a school in England shall not be treated for the purposes of this section as having been so excluded if any of the following applies—

- (a) the child was reinstated as a pupil at the school following a direction from the responsible body—
 - (i) in accordance with regulations under subsection (3)(b) of section 51A of the Education Act 2002;
 - (ii) following a recommendation from the review panel that the responsible body reconsiders the matter under subsection (4)(b) of that section;
- (b) the child would have been reinstated as a pupil at the school following a direction from the responsible body as described in paragraph (a)(i) or (ii), if it had been practical for the responsible body to give such a direction;
- (c) the review panel has quashed a decision of the responsible body not to reinstate the child as a pupil at the school under subsection (4)(c) of section 51A of the Education Act 2002;
- (d) the child was so excluded at a time when the child had not attained compulsory school age.

(3B) In subsection (3A) “the responsible body” has the same meaning as in section 51A of the Education Act 2002.”

10 In subsection (4), in the opening words—

- (a) omit “However,”;
- (b) after “a school” insert “in Wales”.

Equality Act 2010 (c. 15)

11 Schedule 17 to the Equality Act 2010 (disabled pupils: enforcement) is amended as follows.

12 In the heading above paragraph 14, at the end insert “: Wales”.

13 In paragraph 14 (exclusions)—

- (a) in sub-paragraph (1), at the end insert “that are made in relation to schools in Wales”;
- (b) for sub-paragraph (4), substitute—

“(4) Appeal arrangements are arrangements under section 52(3) of the Education Act 2002 enabling an appeal to be made against an exclusion decision.”;

- (c) in sub-paragraph (5), omit paragraph (b).