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STATUTORY INSTRUMENTS

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**2002 No. 3178**

**The Education (Pupil Exclusions and Appeals)  
(Maintained Schools) (England) Regulations 2002**

**Appeals against permanent exclusion of pupils**

6.—(1) A local education authority shall make arrangements for enabling the relevant person to appeal against any decision of the governing body under regulation 5 not to reinstate a pupil who has been permanently excluded from a school maintained by the authority.

(2) The Schedule to these Regulations has effect in relation to the making and hearing of appeals pursuant to arrangements made under paragraph (1); and in paragraphs (3) to (6) “appeal panel” means an appeal panel constituted in accordance with paragraph 2 of the Schedule.

(3) In making any decision on an appeal pursuant to arrangements made under paragraph (1), an appeal panel shall have regard both to the interests of the excluded pupil and to the interests of other pupils and persons working at the school (including persons working at the school voluntarily).

(4) An appeal panel shall not determine that a pupil is to be reinstated merely because of a failure to comply with any procedural requirement imposed by or under these Regulations in relation to—

- (a) the decision under regulation 5 against which the appeal is brought, or
- (b) the exclusion or decision by the head teacher to which that decision related.

(5) The decision of an appeal panel on an appeal pursuant to arrangements made under paragraph (1) shall be binding on the relevant person, the governing body, the head teacher and the local education authority.

(6) On such an appeal the appeal panel may—

- (a) uphold the exclusion;
- (b) direct that the pupil is to be reinstated (either immediately or by a date specified in the direction), or
- (c) decide that because of exceptional circumstances or for other reasons it is not practical to give a direction requiring his reinstatement, but that it would otherwise have been appropriate to give such a direction.