

2021 No. 953

EDUCATION, ENGLAND

**The School Discipline (Pupil Exclusions and Reviews)
(England) (Coronavirus) (Amendment) (No. 2) Regulations
2021**

<i>Made</i>	- - - -	<i>25th August 2021</i>
<i>Laid before Parliament</i>		<i>27th August 2021</i>
<i>Coming into force</i>	- -	<i>25th September 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 51A(3) and (12) and 210(7) of the Education Act 2002(a).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the School Discipline (Pupil Exclusions and Reviews) (England) (Coronavirus) (Amendment) (No. 2) Regulations 2021 and come into force on 25th September 2021.

(2) These Regulations extend to England and Wales.

(3) These Regulations apply in relation to England only.

Amendment to the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

2.—(1) The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012(b) are amended as follows.

(2) In regulation 2(1), in paragraph (a) of the definition of “relevant exclusion”, for “25th September 2021” substitute “25th March 2022”.

(3) In Schedule 1, in paragraph 2(1A), after the words “relevant exclusions” insert “occurring before 25th September 2021”.

Review of regulation 2

3. The Secretary of State must review the effectiveness of the amendments made by regulation 2 during the period starting with 25th September 2021 and ending with 24th March 2022.

(a) 2002 c. 32 (“the 2002 Act”). Section 51A was inserted by section 4 of the Education Act 2011 (c. 21). See section 212 of the 2002 Act for the definitions of “prescribed” and “regulations”.

(b) S.I. 2012/1033, amended by S.I. 2020/543, S.I. 2020/908 and S.I. 2021/204.

25th August 2021

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (S.I. 2012/1033) (the “2012 Regulations”). The 2012 Regulations set out procedures in relation to exclusions under section 51A of the Education Act 2002, from maintained schools, pupil referral units and academies (Academy schools and alternative provision Academies) in England.

Regulation 2(2) of these Regulations amends the definition of “relevant” exclusions in the 2012 Regulations by extending the date by which an exclusion must have taken place, in order to be a relevant exclusion, from 25th September 2021 to 25th March 2022. This has the effect of extending the range of exclusions that are covered by provisions of the 2012 Regulations which enable certain meetings, at which a relevant exclusion will be considered, to be held by remote access if certain conditions apply. The provisions also enable the time limits within which those meetings must be held to be extended for as long as is reasonably necessary for a reason related to the incidence or transmission of coronavirus.

The amendment made by regulation 2(3) provides that the extended time limit of 25 school days within which an application for a review must be made only applies to “relevant” exclusions occurring before 25th September 2021, notwithstanding the amendment to the definition of a “relevant” exclusion mentioned above. The effect of this is that for any exclusions occurring on or after the date that these Regulations come into force, the time limit is 15 school days.

The amendments made by regulation 2 are required, by regulation 3, to be kept under review during the period starting with 25th September 2021 and ending with 24th March 2022.

A full impact assessment has not been produced for this instrument as no or no significant impact on the private, voluntary or public sector is foreseen.

An explanatory memorandum is published alongside these Regulations on www.legislation.gov.uk. Hard copies are available from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2021/953>

ISBN 978-0-34-822684-3



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