
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe limits on the powers of teachers in charge of pupil referral units to exclude pupils under section 52(2) of the Education Act 2002, and the procedure which is to be followed by the teacher in charge and the local education authority following an exclusion from a pupil referral unit.

Regulation 2 introduces a new definition of “relevant person” for the purposes of these Regulations and also provides that any fixed period exclusion during the lunchtime period is to be counted as an exclusion for a quarter of a school day.

Regulation 3 prescribes the local education authority as the body responsible under section 52(3) of the 2002 Act for considering whether the excluded pupil should be reinstated.

Regulation 5 requires the teacher in charge to inform the relevant person of details of an exclusion. The teacher in charge must also inform the local education authority if the exclusion is permanent, will result in the pupil missing a public examination, or takes the total exclusions for that pupil over five days in a term.

Regulation 6 makes provision as to the range of information that the teacher in charge must provide to the local education authority and the range of information the local education authority must provide to the National Assembly for Wales at its request.

Regulation 7 requires the local education authority, where the exclusion will result in the pupil missing a public examination, or takes the total exclusions for that pupil over 15 days in a term, to consider the circumstances, listen to any representations from the relevant person, the excluded pupil where the pupil is not the relevant person and the teacher in charge, and to decide whether the pupil should be reinstated or not.

Regulation 8 requires the local education authority to make arrangements for the relevant person to appeal against a decision of the teacher in charge to permanently exclude a pupil. A failure to follow procedural requirements is not of itself to lead to a decision to reinstate. The decision of the appeal panel is binding. The panel may decide not to issue a direction requiring reinstatement of the pupil if they consider it is not practical because of exceptional circumstances or other reasons.

Regulation 9 requires teachers in charge, local education authorities and appeal panels to have regard to guidance given by the National Assembly for Wales.

The Schedule prescribes the constitution and procedure for appeal panels by making appropriate modifications to the Schedule to the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003.

Changes to legislation:

There are currently no known outstanding effects for the The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003.