

WELSH STATUTORY INSTRUMENTS

2003 No. 3246

**The Education (Pupil Exclusions and Appeals)
(Pupil Referral Units) (Wales) Regulations 2003**

Functions of [^{F1}management committee] in relation to [^{F2}excluded pupils]

7.—^{F3}(1) Paragraphs (2) to (6) apply where the management committee is informed under regulation 5(3) of—

- (a) the permanent exclusion of a pupil,
- (b) a decision that any exclusion of a pupil should be made permanent, or
- (c) the exclusion of any pupil, and the circumstances are that the pupil would, as a result of the exclusion—
 - (i) be excluded from the pupil referral unit for a total of more than 15 school days in any one term, or
 - (ii) lose an opportunity to take a public examination.]

(2) The [^{F4}management committee] must in any such case —

- (a) consider the circumstances in which the pupil was excluded;
- (b) consider any representations about the exclusion made to the [^{F5}management committee] —
 - (i) by the relevant person in pursuance of regulation 5(1)(c),
 - (ii) by the excluded pupil where the pupil is not the relevant person in pursuance of regulation 5(1)(c), ^{F6}...
 - (iii) by the teacher in charge of the pupil referral unit [^{F7}, and]
 - [^{F8}(iv) by the local authority;]

(c) [^{F9}convene a meeting and] allow each of the following, namely —

- (i) the relevant person,
- (ii) the excluded pupil where the pupil is not the relevant person, ^{F10}...
- (iii) the teacher in charge of the pupil referral unit, [^{F11}and
- (iv) an officer of the local authority nominated by the authority,]

to attend [^{F12}that meeting] and to make oral representations about the exclusion; and

(d) consider any oral representations so made.

^{F13}(3) The [^{F14}management committee] must consider whether or not the pupil should be reinstated and they must in addition consider whether [^{F15}the pupil] should be reinstated immediately or reinstated by a particular date and whether it would not be practical for the teacher in charge to comply with a direction requiring the reinstatement of the pupil.]

(4) If the [^{F16}management committee] decide that the pupil should be reinstated, they must^[F17], unless they consider that it would not be practical for the teacher in charge to comply with a direction requiring the reinstatement of the pupil,] without delay —

- (a) give the appropriate direction to the teacher in charge, and
- (b) inform the relevant person [^{F18}and the local authority] of their decision.

(5) The teacher in charge must comply with any direction of the [^{F19}management committee] for the reinstatement of a pupil who has been excluded from the pupil referral unit.

(6) If the [^{F20}management committee] decide that the pupil should not be reinstated [^{F21}, or, having decided that the pupil should be reinstated, decide not to give a direction to the teacher in charge requiring the reinstatement of the pupil], they must [^{F22}without delay—

- (a) inform the relevant person, the teacher in charge and the local authority of their decision, and
- (b) in addition, in the case of a pupil who is permanently excluded, give the relevant person notice in writing referring to that decision and stating the following matters—
 - (i) the reasons for the decision,
 - (ii) the relevant person's right to appeal against the decision,
 - (iii) the person to whom the relevant person should give any notice of appeal,
 - (iv) that any notice of appeal must contain the grounds of appeal, and
 - (v) the last date on which an appeal may be made.]

(7) Where —

- (a) the teacher in charge of a pupil referral unit excludes a pupil for a fixed period in a case where paragraphs (2) to (6) do not apply; and
- (b) the [^{F23}management committee] receive any representations made in pursuance of regulation 5(1)(c) by the relevant person about the exclusion,

they must consider those representations.

(8) Subject to paragraph (9), the [^{F24}management committee] must take each of the steps referred to in paragraph (2) —

- (a) not earlier than six school days; and
- (b) not later than 15 school days, in the case of [^{F25}a permanent exclusion or] an exclusion for a fixed period of more than 15 school days; or
- (c) not later than 50 school days, in the case of an exclusion for a fixed period of 15 school days or fewer,

after the date on which they were informed of the matters referred to in regulation [^{F26}5(3)].

(9) Where a pupil has been excluded ^{F27}... in circumstances in which [^{F28}the pupil] would, as a result of the exclusion, lose an opportunity to take a public examination, the [^{F29}management committee] must (so far as it is practical for them to do so) take each of the steps referred to in paragraph (2) before the date on which the pupil is due to take the examination and in any event no later than is required by paragraph (8).

(10) The [^{F30}management committee] is not relieved of the duty to take any step referred to in paragraph (2) because it has not been taken within the periods specified in paragraphs (8) and (9).

[^{F31}(11) The notice in writing referred to in paragraph (6)(b) may be given either—

- (a) by delivering it by hand to the relevant person's last known address, or

- (b) by sending it by first class post in a properly addressed, pre-paid envelope to the relevant person's last known address.]

Textual Amendments

- F1** Words in [reg. 7 heading](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(2)(a)** (with [reg. 2](#))
- F2** Words in [reg. 7 heading](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(2)(b)** (with [reg. 2](#))
- F3** [Reg. 7\(1\)](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(3)** (with [reg. 2](#))
- F4** Words in [reg. 7\(2\)](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(a)** (with [reg. 2](#))
- F5** Words in [reg. 7\(2\)\(b\)](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(b)(i)** (with [reg. 2](#))
- F6** Word in [reg. 7\(2\)\(b\)\(ii\)](#) omitted (8.4.2024) by virtue of [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(b)(ii)** (with [reg. 2](#))
- F7** Word in [reg. 7\(2\)\(b\)\(iii\)](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(b)(iii)** (with [reg. 2](#))
- F8** [Reg. 7\(2\)\(b\)\(iv\)](#) inserted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(b)(iv)** (with [reg. 2](#))
- F9** Words in [reg. 7\(2\)\(c\)](#) inserted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(c)(i)** (with [reg. 2](#))
- F10** Word in [reg. 7\(2\)\(c\)\(ii\)](#) omitted (8.4.2024) by virtue of [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(c)(ii)** (with [reg. 2](#))
- F11** [Reg. 7\(2\)\(c\)\(iv\)](#) and word inserted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(c)(iii)** (with [reg. 2](#))
- F12** Words in [reg. 7\(2\)\(c\)](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(4)(c)(iv)** (with [reg. 2](#))
- F13** [Reg. 7\(3\)](#) substituted (1.9.2004) by [The Education \(Pupil Exclusions and Appeals\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/1805\)](#), regs. 1(1), **6(1)**
- F14** Words in [reg. 7\(3\)](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(5)(a)** (with [reg. 2](#))
- F15** Words in [reg. 7\(3\)](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(5)(b)** (with [reg. 2](#))
- F16** Words in [reg. 7\(4\)](#) substituted (8.4.2024) by [The Education \(Pupil Exclusions and Appeals\) \(Pupil Referral Units\) \(Wales\) \(Amendment\) Regulations 2024 \(S.I. 2024/316\)](#), regs. 1(2), **6(6)(a)** (with [reg. 2](#))
- F17** Words in [reg. 7\(4\)](#) inserted (1.9.2004) by [The Education \(Pupil Exclusions and Appeals\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/1805\)](#), regs. 1(1), **6(2)**

- F18** Words in reg. 7(4)(b) inserted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(6)(b)** (with reg. 2)
- F19** Words in reg. 7(5) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(7)** (with reg. 2)
- F20** Words in reg. 7(6) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(8)(a)** (with reg. 2)
- F21** Words in reg. 7(6) inserted (1.9.2004) by The Education (Pupil Exclusions and Appeals) (Wales) (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/1805), regs. 1(1), **6(3)**
- F22** Words in reg. 7(6) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(8)(b)** (with reg. 2)
- F23** Words in reg. 7(7)(b) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(9)** (with reg. 2)
- F24** Words in reg. 7(8) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(10)(a)** (with reg. 2)
- F25** Words in reg. 7(8)(b) inserted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(10)(b)** (with reg. 2)
- F26** Word in reg. 7(8) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(10)(c)** (with reg. 2)
- F27** Words in reg. 7(9) omitted (8.4.2024) by virtue of The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(11)(a)** (with reg. 2)
- F28** Words in reg. 7(9) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(11)(b)** (with reg. 2)
- F29** Words in reg. 7(9) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(11)(c)** (with reg. 2)
- F30** Words in reg. 7(10) substituted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(12)** (with reg. 2)
- F31** Reg. 7(11) inserted (8.4.2024) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 (S.I. 2024/316), regs. 1(2), **6(13)** (with reg. 2)

Commencement Information

- I1** Reg. 7 in force at 9.1.2004, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003, Section 7.