



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

#### CHAPTER V

##### STAFFING AND CONDUCT OF SCHOOLS

##### *Exclusion of pupils*

#### **64 Power of head teacher to exclude pupils**

- (1) The head teacher of a maintained school may exclude a pupil from the school for a fixed period or permanently.
- (2) The head teacher may not exercise the power to exclude a pupil from the school for one or more fixed periods such that the pupil is so excluded for more than 45 school days in any one school year.
- (3) A pupil may not be excluded from a maintained school (whether by suspension, expulsion or otherwise) except by the head teacher in accordance with this section.
- (4) In this Act “exclude”, in relation to the exclusion of a child from a school, means exclude on disciplinary grounds (and “exclusion” shall be construed accordingly).

#### **65 Exclusion of pupils: duty to inform parents, etc**

- (1) Where the head teacher of a maintained school excludes any pupil, the head teacher shall (without delay) take reasonable steps to inform the relevant person of the following matters—

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- (a) the period of the exclusion (or, if the pupil is being permanently excluded, that he is being so excluded);
  - (b) the reasons for the exclusion;
  - (c) that he may make representations about the exclusion to the governing body, and
  - (d) the means by which such representations may be made.
- (2) Where the head teacher decides that any exclusion of a pupil for a fixed period should be made permanent, he shall (without delay) take reasonable steps to inform the relevant person of—
- (a) his decision, and
  - (b) the matters specified in paragraphs (b) to (d) of subsection (1).
- (3) Subsection (4) applies where the head teacher—
- (a) excludes any pupil in circumstances where the pupil would, as a result of the exclusion—
    - (i) be excluded from the school for a total of more than five school days in any one term, or
    - (ii) lose an opportunity to take any public examination,
  - (b) excludes a pupil permanently, or
  - (c) decides that any exclusion of a pupil should be made permanent.
- (4) Where this subsection applies, the head teacher shall (without delay) inform the local education authority and the governing body of the following matters—
- (a) the period of the exclusion (or, if the pupil is being permanently excluded, that he is being so excluded), or
  - (b) his decision that any exclusion of a pupil for a fixed period should be made permanent,
- and (in either case) of the reasons for it.
- (5) In this section and in sections 66 and 67 “the relevant person” means—
- (a) in relation to a pupil under the age of 18, a parent of his;
  - (b) in relation to a pupil who has attained that age, the pupil himself.
- (6) Where regulations under paragraph 4 of Schedule 11 require the governing body of a maintained school to establish a discipline committee, references in this section and sections 66 to 68 to the governing body of such a school shall be construed as references to their discipline committee.

## **66 Functions of governing body in relation to excluded pupils**

- (1) Subsections (2) to (6) apply where the governing body of a maintained school are informed under section 65(4) of any exclusion or decision to which that provision applies.
- (2) The governing body shall in any such case—
- (a) consider the circumstances in which the pupil was excluded;
  - (b) consider any representations about the exclusion made to the governing body—
    - (i) by the relevant person in pursuance of section 65(1)(c) or (2)(b), or
    - (ii) by the local education authority;

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- (c) allow each of the following, namely—
    - (i) the relevant person, and
    - (ii) an officer of the local education authority nominated by the authority, to attend a meeting of the governing body and to make oral representations about the exclusion; and
  - (d) consider any oral representations so made.
- (3) In a case where it would be practical for the governing body to give a direction to the head teacher requiring the reinstatement of a pupil, they shall in addition consider whether he should be reinstated immediately, reinstated by a particular date or not reinstated.
- (4) If the governing body decide that the pupil should be reinstated, they shall forthwith—
  - (a) give the appropriate direction to the head teacher, and
  - (b) inform the relevant person and the local education authority of their decision.
- (5) The head teacher shall comply with any direction of the governing body for the reinstatement of a pupil who has been excluded from the school.
- (6) If the governing body decide that the pupil should not be reinstated, they shall forthwith—
  - (a) inform the relevant person, the head teacher and the local education 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) his right to appeal against the decision,
    - (iii) the person to whom he 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 head teacher of a maintained school excludes a pupil otherwise than as mentioned in section 65(3), and
  - (b) the governing body receive any representations made in pursuance of section 65(1)(c) or (2)(b) by the relevant person about the exclusion,they shall consider those representations.
- (8) Regulations may provide that, where a governing body of a maintained school are required under this section to take any step, the duty must, subject to such exceptions as may be prescribed, be performed within the prescribed period; but such a provision shall not relieve the governing body of the duty to take any step which has not been taken within that period.

## **67 Appeals against exclusion of pupils**

- (1) A local education authority shall make arrangements for enabling the relevant person to appeal against any decision of the governing body under section 66 not to reinstate a pupil who has been permanently excluded from a school maintained by the authority.

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- (2) Schedule 18 has effect in relation to the making and hearing of appeals pursuant to arrangements made under subsection (1); and in subsections (3) and (4) “appeal panel” means an appeal panel constituted in accordance with paragraph 2 of that Schedule.
- (3) The decision of an appeal panel on an appeal pursuant to arrangements made under subsection (1) shall be binding on the relevant person, the governing body, the head teacher and the local education authority.
- (4) Where on such an appeal the appeal panel determines that the pupil in question should be reinstated, the panel shall either—
  - (a) direct that he is to be reinstated immediately, or
  - (b) direct that he is to be reinstated by a date specified in the direction.

## **68 Exclusion of pupils: guidance**

- (1) This section applies to any functions of—
  - (a) the head teacher or the governing body of a maintained school,
  - (b) a local education authority, or
  - (c) an appeal panel constituted in accordance with paragraph 2 of Schedule 18, conferred by or under any of sections 64 to 67 and Schedule 18.
- (2) In discharging any such function, such a person or body shall have regard to any guidance given from time to time by the Secretary of State.