



Education (No. 2) Act 1986

1986 CHAPTER 61

PART III

ORGANISATION AND FUNCTIONS

Discipline

25 Reinstatement of excluded pupils: aided and special agreement schools

The articles of government for every aided and special agreement school shall provide—

- (a) for it to be the duty of the governing body, where they have been informed of the permanent exclusion of a pupil from the school—
 - (i) to consider whether he should be reinstated immediately, reinstated by a particular date or not reinstated;
 - (ii) where they consider that he should be reinstated, to give the appropriate direction to the head teacher; and
 - (iii) where they consider that he should not be reinstated, to inform (without delay) the local education authority and either the pupil, if he is aged eighteen or over, or a parent of his, if he is under eighteen, of their decision;
- (b) for it to be the duty of the head teacher where he has excluded a pupil from the school—
 - (i) for more than five school days (in the aggregate) in any one term ; or
 - (ii) in circumstances in which the pupil would, as a result of his exclusion from the school, lose an opportunity to take any public examination;to comply with any direction for the reinstatement of the pupil given by the governing body or, in the case of an exclusion for a fixed period, by the governing body or the local education authority ;
- (c) for it to be the duty of the local education authority to consult the governing body before giving any direction by virtue of paragraph (b) above ;

Status: This is the original version (as it was originally enacted).

- (d) for it to be the duty of the local education authority, where they have been informed of the indefinite exclusion of a pupil from the school, to consult the governing body and, where the governing body do not intend to direct the head teacher to reinstate the pupil or the authority consider that he should be reinstated by a date which is earlier than that determined by the governing body as the date by which he is to be reinstated—
 - (i) to direct that he be reinstated immediately; or
 - (ii) to direct that he be reinstated within such period as may be specified in the direction ;
- (e) for any direction given by virtue of paragraph (d) above to cease to have effect (without prejudice to any direction given by virtue of any other provision made by the articles in accordance with this section) if the head teacher decides that the exclusion of the pupil concerned should be made permanent;
- (f) for it to be the duty of the head teacher to comply with any direction given in exercise of the duty imposed on the local education authority by virtue of paragraph (d) above;
- (g) for it to be the duty of the head teacher, where conflicting directions for the reinstatement of a pupil are given by the governing body and the local education authority, to comply with that direction which will lead to the earlier reinstatement of the pupil; and
- (h) for it to be the duty of the governing body and the local education authority to inform each other and—
 - (i) the pupil concerned, if he is aged eighteen or over; or
 - (ii) a parent of his, if he is under eighteen ;of any direction, of a kind mentioned in this section, which is given by them.