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## SCHEDULES

### SCHEDULE 15

Section 158.

#### REINSTATEMENT OF PUPILS EXCLUDED FROM COUNTY, VOLUNTARY OR MAINTAINED SPECIAL SCHOOLS

##### PART I

##### COUNTY, CONTROLLED AND MAINTAINED SPECIAL SCHOOLS

##### *Preliminary*

- 1 The articles of government for a county, controlled or maintained special school shall make provision for the matters set out in paragraphs 2 to 7.

##### *Reinstatement of permanently excluded pupils*

- 2 (1) Where the local education authority have been informed of the permanent exclusion of a pupil from the school, they shall—
- (a) after giving the governing body an opportunity to express their views, and
  - (b) after considering any views expressed within the prescribed period by the governing body,
- consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated.
- (2) If the authority decide that the pupil should be reinstated, they shall—
- (a) give the appropriate direction to the head teacher, and
  - (b) inform the relevant person and the governing body of the direction.
- (3) If the authority decide that the pupil should not be reinstated, they shall inform the relevant person of their decision.
- 3 (1) The head teacher shall comply with any direction for the reinstatement of a pupil who has been permanently excluded from the school—
- (a) which is given by the local education authority by virtue of paragraph 2, or
  - (b) which is given by the governing body.
- (2) If conflicting directions are given by the authority and the governing body, the head teacher shall comply with the direction which will lead to the earlier reinstatement of the pupil.

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- 4           Where the governing body direct the head teacher to reinstate a pupil who has been permanently excluded from the school, they shall inform the relevant person and the local education authority of the direction.

*Reinstatement of pupils excluded for a fixed period*

- 5           (1) Where a pupil is excluded from the school for a fixed period in circumstances in which he would, as a result of the exclusion—
- (a) be excluded from the school for a total of more than five school days in any one term, or
- (b) lose an opportunity to take a public examination,
- the head teacher shall comply with any direction given by the local education authority or the governing body for the pupil’s reinstatement.
- (2) If conflicting directions are given by the authority and the governing body, the head teacher shall comply with the direction which will lead to the earlier reinstatement of the pupil.
- 6           (1) Where the local education authority—
- (a) have been informed of the exclusion of a pupil from the school for a fixed period, and
- (b) propose to give any such direction as is mentioned in paragraph 5(1),
- they shall consult the governing body before giving such a direction.
- (2) Where they give such a direction, the authority shall inform the relevant person and the governing body of the direction.
- 7           Where the governing body give any such direction as is mentioned in paragraph 5(1), they shall inform the relevant person and the local education authority of the direction.

**PART II**

AIDED AND SPECIAL AGREEMENT SCHOOLS

*Preliminary*

- 8           The articles of government for an aided or a special agreement school shall make provision for the matters set out in paragraphs 9 to 13.

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### *Reinstatement of permanently excluded pupils*

- 9 (1) Where the governing body have been informed of the permanent exclusion of a pupil from the school, they shall consider whether he should be reinstated immediately, reinstated by a particular date or not reinstated.
- (2) If the governing body decide that the pupil should be reinstated, they shall—
- (a) give the appropriate direction to the head teacher, and
  - (b) inform the relevant person and the local education authority of the direction.
- (3) If the governing body decide that the pupil should not be reinstated, they shall (without delay) inform the relevant person and the local education authority of their decision.
- 10 The head teacher shall comply with any direction for the reinstatement of the pupil given by the governing body by virtue of paragraph 9.

### *Reinstatement of pupils excluded for a fixed period*

- 11 (1) Where a pupil is excluded from the school for a fixed period in circumstances in which he would, as a result of the exclusion—
- (a) be excluded from the school for a total of more than five school days in any one term, or
  - (b) lose an opportunity to take a public examination,
- the head teacher shall comply with any direction given by the governing body or the local education authority for the pupil's reinstatement.
- (2) If conflicting directions are given by the authority and the governing body, the head teacher shall comply with the direction which will lead to the earlier reinstatement of the pupil.
- 12 (1) Before giving any such direction as is mentioned in paragraph 11(1) the local education authority shall—
- (a) give the governing body an opportunity to express their views; and
  - (b) consider any views expressed within the prescribed period by the governing body.
- (2) Where the authority give any such direction, they shall inform the relevant person and the governing body of the direction.
- 13 Where the governing body give any such direction as is mentioned in paragraph 11(1), they shall inform the relevant person and the local education authority of the direction.

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### PART III

#### GENERAL

##### *Power to prescribe periods for the taking of any required steps*

- 14 Regulations may provide that, where a local education authority or governing body of a school are required under the preceding provisions of this Schedule to take any step, the duty must, subject to prescribed exceptions, be performed within the prescribed period; but such a provision shall not relieve the authority or body of the duty to take any step which has not been taken within that period.

##### *Meaning of “the relevant person”*

- 15 In this Schedule “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.

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