

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.
- 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.

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.

Status: This is the original version (as it was originally enacted).

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.

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.