



Education Act 1997

1997 CHAPTER 44

PART II

SCHOOL DISCIPLINE

Exclusion of pupils from school

VALID FROM 01/09/1998

7 Exclusion or reinstatement appeals: LEA-maintained schools.

(1) Schedule 16 to the ^{M1}Education Act 1996 (appeals against exclusion or reinstatement of pupils) shall be amended as follows.

(2) After paragraph 7 there shall be inserted—

“7A

(1) For the purpose of fixing the time (falling within the period mentioned in paragraph 7) at which the hearing of an appeal is to take place, the body mentioned in that paragraph shall take reasonable steps to ascertain any times falling within that period when—

- (a) the relevant person, or
- (b) any other person who wishes, and would be entitled, to appear and make oral representations in accordance with paragraph 8 or 9,

would be able to attend.

(2) Where in accordance with sub-paragraph (1) that body have ascertained any such times in the case of any such person, they shall, when fixing the time at which the hearing is to take place, take those times into account with a view to ensuring, so far as it is reasonably practicable to do so, that that person is able to appear and make such representations at the hearing.”

(3) For paragraph 8 there shall be substituted—

Status: Point in time view as at 01/11/1997. This version of this provision is not valid for this point in time.
Changes to legislation: Education Act 1997, Section 7 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“8

- (1) On an appeal by a pupil or parent the appeal committee shall give the appellant an opportunity of appearing and making oral representations, and shall allow him to be represented or to be accompanied by a friend.
- (2) On such an appeal the committee shall allow—
 - (a) the head teacher to make written representations and to appear and make oral representations,
 - (b) the local education authority and the governing body to make written representations,
 - (c) an officer of the authority nominated by the authority, and a governor nominated by the governing body, to appear and make oral representations, and
 - (d) the governing body to be represented.”
- (4) After paragraph 12 there shall be inserted—

“12A

- (1) In deciding—
 - (a) whether the pupil in question should be reinstated (and, if so, the time when this should take place), or
 - (b) whether any direction for the reinstatement of the pupil in question should be confirmed,

an appeal committee shall have regard to both the interests of that pupil and the interests of other pupils at his school and members of its staff.
- (2) In making any such decision an appeal committee shall also have regard to the measures publicised by the head teacher under section 154(7).
- (3) Sub-paragraphs (1) and (2) do not apply where an appeal committee decides that the pupil in question was not guilty of the conduct which the head teacher relied on as grounds for his permanent exclusion.
- (4) Sub-paragraphs (1) and (2) shall not be read as precluding an appeal committee from having regard to any other relevant matters.”

Commencement Information

II Ss. 6-8 wholly in force at 1.9.1998 see s. 58(3) and S.I. 1998/386, arts. 2(4), 4, Sch. 1 Pt. IV, **Sch. 2 Pt. II** (subject to transitional provisions in Sch. 2 Pt. II)

Marginal Citations

M1 1996 c. 56.

Status:

Point in time view as at 01/11/1997. This version of this provision is not valid for this point in time.

Changes to legislation:

Education Act 1997, Section 7 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.