
 STATUTORY INSTRUMENTS

1982 No. 1735 (S.188)

EDUCATION, SCOTLAND

**The Schools General (Scotland) Amendment (No. 2)
Regulations 1982**

Made - - - 26th November 1982

Laid before Parliament 9th December 1982

Coming into Operation 5th April 1983

In exercise of the powers conferred on me by section 2 of the Education (Scotland) Act 1980(a) and of all other powers enabling me in that behalf I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Schools General (Scotland) Amendment (No. 2) Regulations 1982 and shall come into operation on 5th April 1983.

Interpretation

2. In these regulations a reference to the principal regulations is a reference to the Schools General (Scotland) Regulations 1975(b).

Amendment of principal regulations

3. Regulation 4 of the principal regulations shall be amended by the insertion after the word “where” of the letter “(a)” and at the end there shall be added the following provision—

“; or

(b) they consider that in all the circumstances to allow the pupil to continue his attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there”.

4. Part II (Organisation of Schools) of the principal regulations shall be amended by the insertion of the following Regulation—

“Exclusion from school

4A.—(1) Where in relation to any pupil in attendance at any school under the management of an education authority a decision is taken to exclude that pupil from the school the education authority shall ensure that on the day upon which the decision is taken, intimation of—

(a) 1980 c.44.

(b) S.I. 1975/1135, amended by S.I. 1982/56.

- (a) the decision; and
- (b) a date (being a date within the period of 7 days immediately following the date of the decision) and time when and place where the head teacher of the school, other teacher at the school or official of the education authority shall be available to discuss with the parent the decision to exclude the pupil;

shall be made orally or in writing to the parent of the pupil;

Provided that where the decision to exclude relates to a pupil who is a young person, such intimation shall be made to him and shall be modified to refer to discussion with him instead of his parent.

(2) Where in relation to such a pupil, such a decision is taken, the education authority may at any time within the period of 8 days after mentioned or thereafter and as respects such a pupil as is specified in paragraph (3) for the purposes of this paragraph the education authority shall, within the period of 8 days immediately following the day upon which the decision is taken, ensure that intimation in writing is made to the parent of the pupil, where the pupil is a child, or to the pupil himself, where he is a young person, of—

- (a) the reasons for the decision to exclude;
- (b) the conditions, if any, with which the pupil and his parent or either the pupil or his parent are required to comply or to undertake to comply as conditions precedent to the pupil being re-admitted to the school;
- (c) the right to refer the decision under section 28H of the Education (Scotland) Act 1980 to an appeal committee set up and maintained under section 28D of that Act;
- (d) the address to which such a reference should be made; and
- (e) any other information which the education authority consider appropriate;

and such intimation may be sent by post or be handed to the parent or where the pupil is a young person, to the pupil by the head teacher or other teacher of the school from which the pupil was excluded or an official of the education authority.

(3) The following pupils being pupils mentioned in Regulation 4A(1) are hereby specified for the purposes of paragraph (2) namely—

- (a) a pupil who has not been re-admitted to the school from which he was excluded within 7 days of the date of the decision so to exclude him;
- (b) a pupil whose parent has not indicated orally to the head teacher of the school or in writing after receiving intimation in accordance with paragraph (1) within 7 days of that date, that he does not wish to refer the matter to an appeal committee in accordance with section 28H of the Education (Scotland) Act 1980 or otherwise to pursue the matter further;

Provided that where the pupil is a young person any reference in this sub-paragraph to the parent of a pupil howsoever worded shall be construed as if it were a reference to the pupil.”

5. Regulation 10 of the principal regulations shall be amended—

(a) by the insertion after paragraph (1) of the following paragraph—

“(1A) Where a pupil’s progress record contains information relating to a decision to exclude him from a school under the management of an education authority—

(a) the record shall also contain information with respect to the decision of any appeal committee on any reference of that decision made under subsection (1) of section 28H of the Education (Scotland) Act 1980 and with respect to the decision of the sheriff on any appeal under subsection (6) of that section in relation to the decision of that appeal committee; and

(b) the parent of the pupil or the pupil himself if he is a young person shall be informed of the terms of the entry in the record containing all such information as soon as practicable after the entry is made.”

(b) by the insertion, at the end of paragraph (3) of the following proviso—

“Provided that where a pupil’s progress record contains information relating to a decision to exclude the pupil from a school under the management of an education authority and an appeal committee to whom that decision has been referred under subsection (1) of section 28H of the Education (Scotland) Act 1980 or the sheriff on an appeal under subsection (6) of that section has annulled that decision, nothing in this paragraph shall be construed as authorising disclosure of the contents of any part of the record which mentions that decision.”

George Younger,
One of Her Majesty’s Principal
Secretaries of State.

New St Andrew’s House,
Edinburgh.
26th November 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Schools General (Scotland) Regulations 1975 (the principal Regulations) as amended by the Schools General (Scotland) (Amendment) Regulations 1982.

Regulation 3 of these regulations amends Regulation 4 of the principal Regulations by providing for an additional circumstance in which an education authority is enabled to exclude a pupil from a school under their management namely where order and discipline in the school or the educational wellbeing of the pupils there would be at risk if the pupil were to continue his attendance.

Regulation 4 of these regulations inserts a new Regulation 4A in the principal Regulations imposing requirements as to procedures to be followed by an education authority following upon the taking of a decision to exclude a pupil from school.

Regulation 5 of these regulations amends Regulation 10 of the principal Regulations with respect to the information with regard to decisions to exclusion of a pupil to be contained in the pupil's record and with respect to disclosure thereof.

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