
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the period in which the governing body of a maintained school are required to consider the circumstances of the exclusion, to consider any representations about the exclusion made by or on behalf of the excluded pupil or the local education authority, and to allow such representations to be made at a meeting. By virtue of section 66(2) of the School Standards and Framework Act 1998, the governing body have a duty to take those steps in any case where they have been notified by the head teacher of a decision on his part: to exclude a pupil in circumstances in which he would, as a result of the exclusion, either be excluded for a total of more than five school days in any one term or would lose an opportunity to take any public examination; to exclude a pupil permanently; or to make permanent a fixed period exclusion.

These Regulations specify that the governing body must normally take each of the steps referred to in section 66(2) not earlier than 6 school days and not later than 15 school days (in the case of a permanent exclusion or an exclusion for a fixed period of more than 15 school days) or not later than 30 school days (in the case of an exclusion for 15/ school days or fewer) in each case after receiving such notification. However in a case where, as a result of the exclusion, the pupil would lose an opportunity to take a public examination, the governing body must (if practical) take those steps before the pupil is due to take the examination.

Where the governing body are required to establish a discipline committee by virtue of regulations under paragraph 4 of Schedule 11 to the School Standards and Framework Act 1998, it will be for that committee to take the steps set out in section 66(2) of that Act within the period prescribed by these Regulations.