

1999 No. 1868

EDUCATION, ENGLAND AND WALES

**The Education (Exclusion from School) (Prescribed Periods)
Regulations 1999**

Made - - - - - 25th June 1999

Laid before Parliament 30th June 1999

Coming into force 1st September 1999

In exercise of the powers conferred on the Secretary of State by sections 66(8) and 138(7) of the School Standards and Framework Act 1998(a), the Secretary of State for Education and Employment, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Exclusion from School) (Prescribed Periods) Regulations 1999 and shall come into force on 1st September 1999.

Interpretation

2.—(1) In these Regulations—

“the 1998 Act” means the School Standards and Framework Act 1998;

“the relevant person” means—

(a) in relation to a pupil under the age of 18, a parent of his; and

(b) in relation to a pupil who has attained that age, the pupil himself;

“school day”, in relation to a school, means any day on which at that school there is a school session;

“school” means a maintained school within the meaning of section 20(7) of the 1998 Act.

(2) Where Regulations under paragraph 4 of Schedule 11 to the 1998 Act require the governing body of a school to establish a discipline committee, references in these Regulations to the governing body shall be construed as references to their discipline committee.

Performance of duties under section 66(2) of the 1998 Act

3.—(1) This regulation prescribes the period within which the governing body of a school are required by virtue of section 66(2) of the 1998 Act, after having been informed under section 65(4) of that Act of any exclusion or decision to which that provision applies, to take the following steps—

(a) 1998 c. 31; see section 142(1) for the meaning of “prescribed” and “regulations”.

- (a) to consider the circumstances in which the pupil was excluded;
 - (b) to consider any representations about the exclusion made to the governing body—
 - (i) by the relevant person in pursuance of section 65(1)(c) or (2)(b), or
 - (ii) by the local education authority;
 - (c) to allow each of the following, namely—
 - (i) the relevant person, and
 - (ii) an officer of the local education authority nominated by the authority,to attend a meeting of the governing body and to make oral representations about the exclusion; and
 - (d) to consider any oral representations so made.
- (2) Subject to paragraph (3) below, the governing body shall take each of the steps referred to in paragraph (1) above—
- (a) not earlier than six school days; and
 - (b) 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
 - (c) not later than 30 school days, in the case of an exclusion for a fixed period of 15 school days or fewer,
- after the date on which they were informed of the matters referred to in section 65(4) of the 1998 Act.
- (3) Where the pupil concerned has been excluded in circumstances in which he would, as a result of the exclusion, lose an opportunity to take any public examination, the governing body shall (so far as it is practical for them to do so) take each of the steps referred to in paragraph (1) above before the date on which the pupil is due to take the examination and in any event no later than is required by paragraph (2) above.

22nd June 1999

Charles Clarke
Parliamentary Under Secretary of State,
Department for Education and Employment

25th June 1999

Jon Owen Jones
Parliamentary Under Secretary of State,
Welsh Office

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.

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