
STATUTORY INSTRUMENTS

2008 No. 532

**The Education (Pupil Exclusions and Appeals)
(Pupil Referral Units) (England) Regulations 2008**

Appeals against permanent exclusion of pupils

7.—(1) A local education authority shall make arrangements for enabling the relevant person to appeal against any decision of the management committee under regulation 6 not to reinstate a pupil who has been permanently excluded from a pupil referral unit maintained by the authority.

(2) The Schedule to these Regulations has effect in relation to the making and hearing of appeals pursuant to arrangements made under paragraph (1); and in these Regulations “appeal panel” means an appeal panel constituted in accordance with paragraph 2 of the Schedule.

(3) In making any decision on an appeal pursuant to arrangements made under paragraph (1), an appeal panel shall have regard both to the interests of the excluded pupil and to the interests of other pupils and persons working at the pupil referral unit (including persons working at the unit voluntarily).

(4) An appeal panel shall not determine that a pupil is to be reinstated merely because of the failure of any person to comply with any procedural requirement imposed by or under these Regulations in relation to the decision under section 52(2) of the 2002 Act in respect of which the appeal is brought.

(5) The decision of an appeal panel on an appeal pursuant to arrangements under paragraph (1) shall be binding on the relevant person, the teacher in charge and the local education authority.

(6) On such an appeal the appeal panel may—

- (a) uphold the decision not to reinstate the pupil;
- (b) direct that the pupil is to be reinstated (either immediately or by a date specified in the direction), or
- (c) decide that because of exceptional circumstances or for other reasons it is not practical to give a direction requiring his reinstatement, but that it would otherwise have been appropriate to give such a direction.