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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, while extending to the legal jurisdiction of England and Wales, apply only in relation to England.

The changes made by Parts 2 to 5 of these Regulations apply to exclusions that take place on or after 1st September 2023. By virtue of Part 6 of these Regulations (transitional arrangements), the changes regarding remote meetings made by Parts 2 to 5 also apply to meetings that may be or are required to take place on or after 1st September 2023 in respect of certain exclusions that took place before that date.

These Regulations amend the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (S.I. 2012/1033) (“the 2012 Regulations”). The 2012 Regulations set out procedures in relation to exclusions under section 51A of the Education Act 2002, from maintained schools, pupil referral units and Academies (meaning Academy schools or alternative provision Academies) in England. Parts 2, 3 and 4 of these Regulations make the same types of changes in respect of maintained schools, pupil referral units and Academies respectively.

Part 1 of these Regulations (general) contains introductory provisions. Regulation 4 amends regulation 2 of the 2012 Regulations, which contains definitions of general relevance to the 2012 Regulations.

Part 2 of these Regulations (maintained schools) amends Part 2 of the 2012 Regulations, which contains provisions regarding maintained schools. Within Part 2 of these Regulations, Chapter 1 makes amendments which provide for remote access meetings to take place in certain circumstances and when certain conditions are met; and Chapter 2 inserts a new regulation 8A into the 2012 Regulations regarding the cancellation of exclusion decisions. New regulation 8A enables a head teacher to cancel a school exclusion decision in certain circumstances and where specified requirements are met; it also requires the head teacher to inform certain persons of the cancellation of the exclusion and to reinstate the pupil without delay.

Parts 3 and 4 of these Regulations make similar changes in relation to pupil referral units and Academies respectively.

Part 5 of these Regulations (constitution and procedure of review panels) amends Schedule 1 to the 2012 Regulations, which contains provisions regarding the constitution and procedure of review panels.

Part 6 of these Regulations (transitional arrangements) provides for transitional arrangements regarding the rules on meetings that take place using remote access, for exclusions that occur before 1st September 2023 where the consideration or review of the exclusion has not yet been completed. Regulation 15 covers the interpretation of terms used in regulation 16. Regulation 16 sets out what the transitional arrangements are and makes provision for how notices may be given in this context.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An explanatory memorandum is published alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk). Hard copies are available from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 33BT.