
STATUTORY INSTRUMENTS

2023 No. 571

**The School Discipline (Pupil Exclusions
and Reviews) (England) (Amendment and
Transitional Provision) Regulations 2023**

PART 2

Maintained Schools

CHAPTER 1

Amendments relating to remote access meetings

Amendment of regulation 5 of the 2012 Regulations

5.—(1) Regulation 5 (exclusion of pupils: head teacher’s duty to inform relevant person, governing body, local authority, social worker and virtual school head) is amended as follows.

(2) After paragraph (3)(b)(ii) insert—

“(ia) where a meeting of the governing body is to consider the exclusion, that a remote meeting request may be made, if the relevant person wishes to be able to attend the meeting using remote access;”.

(3) In paragraph (3)(b)(iii) and (iv), after “representations” insert “or a remote meeting request”.

Amendment of regulation 6 of the 2012 Regulations

6.—(1) Regulation 6 (functions of the governing body in relation to excluded pupils) is amended as follows.

(2) For paragraph (3A) substitute—

“(3A) Paragraph (3B) applies if a remote meeting request has been made.”.

(3) In paragraph (3B)—

(a) in the words before sub-paragraph (a), for “may” substitute “must”;

(b) omit sub-paragraph (b).

(4) After paragraph (3C) insert—

“(3D) Where—

(a) a social worker or virtual school head; or

(b) their nominated representative as referred to in paragraph (3C),

attends a meeting referred to in paragraph (3)(c) which is taking place in person, they may do so using remote access provided the governing body are satisfied that the conditions referred to in paragraph (3B)(a), (c) and (d) are met.

(3E) Paragraph (3F) applies if—

- (a) for a reason related to extraordinary events or unforeseen circumstances, it is not reasonably practicable for the meeting referred to in paragraph (3)(c) to be held in person; and
- (b) the meeting is not already required to take place using remote access pursuant to paragraph (3B).

(3F) Where this paragraph applies, the meeting referred to in paragraph (3)(c) may be held using remote access, provided the governing body are satisfied that the conditions referred to in paragraph (3B)(a), (c) and (d) are met.

(3G) Subject to the exception made for persons referred to in paragraph (3D), a meeting referred to in paragraph (3)(c) must be held in person unless—

- (a) a remote meeting request is made; or
- (b) for a reason related to extraordinary events or unforeseen circumstances, it is not reasonably practicable for the meeting to be held in person,

and the governing body are satisfied that the conditions in paragraph (3B)(a), (c) and (d) are met.”.

(5) In paragraph (6)(b)—

(a) after paragraph (iv) insert—

“(iva) where a meeting of the review panel is to review the governing body’s decision, that a remote meeting request may be made, if the relevant person wishes to be able to attend the meeting using remote access;”;

(b) in paragraph (v)—

- (i) after “for a review” insert “or a remote meeting request”;
- (ii) for “and what the application” substitute “, and what these”;

(c) in paragraph (vi)—

- (i) after “the application” insert “or remote meeting request”;
- (ii) for “and the date by which the application” substitute “, and the date by which these”.

(6) In paragraph (7), for “paragraphs (7A), (7B), (7C), (7D) and” substitute “paragraphs (7E), (7F) and”.

(7) Omit paragraphs (7A) to (7D).

(8) Before paragraph (8) insert—

“(7E) Paragraph (7F) applies where, immediately before the applicable time limit referred to in paragraph (7)(a) or (b) expires, the meeting referred to in paragraph (3)(c) has not been held because—

- (a) it has not been reasonably practicable to meet in person for a reason related to extraordinary events or unforeseen circumstances; and
- (b) it has not been reasonably practicable to meet by way of remote access for a reason related to the satisfaction of the conditions in paragraph (3B)(a), (c) and (d).

(7F) Where this paragraph applies, the time limit referred to in paragraph (7)(a) or (b) within which the governing body must take steps is extended by such period as is reasonably necessary for a reason related to the extraordinary events or unforeseen circumstances.”.

CHAPTER 2

Amendments relating to cancelling exclusions

Insertion of regulation 8A into the 2012 Regulations

7. After regulation 8 insert—

“Cancellation of exclusion of a pupil

8A.—(1) Subject to paragraphs (2) and (3), if a head teacher decided to exclude a pupil, the head teacher may cancel the exclusion—

- (a) either before or after it has begun; and
- (b) whether or not the pupil has been admitted to another school following their exclusion.

(2) A head teacher may not cancel an exclusion under paragraph (1) if, by the time the head teacher comes to make the decision to cancel an exclusion, the pupil—

- (a) has already been excluded for more than 45 school days in any school year; or
- (b) would have been excluded for more than 45 school days in any school year when the cancellation took effect.

(3) In cases where regulation 5(3) applies by virtue of regulation 5(2), a head teacher may not cancel an exclusion under paragraph (1) if, by the time the head teacher comes to make the decision to cancel an exclusion, the governing body has commenced a meeting for the purpose of making a decision under regulation 6(2) regarding reinstatement of the pupil.

(4) Where an exclusion is cancelled in accordance with paragraph (1)—

- (a) the head teacher must, without delay—
 - (i) inform the relevant person, the governing body, the local authority, the social worker and the virtual school head of the cancellation and the reasons for it in writing; and
 - (ii) reinstate the pupil;
- (b) the governing body are not required to consider reinstatement of the pupil under regulation 6.”.