

---

## EXPLANATORY NOTE

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

These Regulations prescribe the relevant person (that is to say the parent of a pupil or, where the pupil is 18, the pupil himself or herself) who may appeal against a decision by a teacher in charge of a pupil referral unit to permanently exclude the pupil. This new right of appeal applies to any decision made by a teacher in charge of a pupil referral unit to permanently exclude a pupil on or after 1st September 1994.

Regulation 4 provides that where a pupil is permanently excluded after the coming into force of these Regulations, the teacher in charge must immediately inform both the relevant person and the local education authority of the decision and the reason for it. In addition, the relevant person must be informed of his or her right to appeal against the decision and how to go about making such an appeal.

Regulation 5 places a duty on a local education authority to make arrangements enabling the relevant person to make an appeal. However, the relevant person must comply with the time limits for notifying the local education authority of his or her intention to appeal. In relation to a relevant decision made on or after the day on which these Regulations come into force, the time limit is 15 school days after the day on which the relevant person was given notice in writing under regulation 4(1). In relation to a relevant decision made before the day on which these Regulations come into force, the time limit is 30 school days after that day.

Regulation 6 applies Schedule 18 to the School Standards and Framework Act 1998, as modified by the Schedule to these Regulations, to any decision made in accordance with regulation 5.

Regulations 7 and 8 replicate the existing provisions in section 67(3) and (4) of the 1998 Act for pupil referral units, with the addition of a provision (in regulation 8(b)) for the appeal panel to make a determination that a reinstatement would have been appropriate in a case where otherwise it would not in fact be practical to give such a direction.

Regulation 9 requires a teacher in charge of a pupil referral unit, a local education authority or an appeal panel, in carrying out functions under these Regulations, to have regard to guidance given by the National Assembly for Wales.