
WELSH STATUTORY INSTRUMENTS

2003 No. 3227

**The Education (Pupil Exclusions and Appeals)
(Maintained Schools) (Wales) Regulations 2003**

Functions of governing body in relation to excluded pupils

6.—(1) Paragraphs (2) to (6) apply where the governing body of a maintained school are informed under regulation 4(4) of —

- (a) the permanent exclusion of a pupil,
- (b) a decision that any exclusion of a pupil should be made permanent,
- (c) the exclusion of any pupil, and the circumstances are that the pupil would, as a result of the exclusion —
 - (i) be excluded from the school for a total of more than 15 school days in any one term, or
 - (ii) lose an opportunity to take a public examination, or
- (d) the exclusion of any pupil where the pupil would as a result of the exclusion be excluded from the school for a total of more than 5 school days in any one term and the relevant person expresses a wish to make representations in pursuance of regulation 4(1)(c).

(2) The governing body must in any such case —

- (a) consider the circumstances in which the pupil was excluded;
- (b) consider any representations about the exclusion made to the governing body —
 - (i) by the relevant person in pursuance of regulation 4(1)(c),
 - (ii) by the excluded pupil where the pupil is not the relevant person in pursuance of regulation 4(1)(c),
 - (iii) by the head teacher, and
 - (iv) by the local education authority;
- (c) convene a meeting and allow the following, namely —
 - (i) the relevant person,
 - (ii) the excluded pupil where the pupil is not the relevant person,
 - (iii) the head teacher, and
 - (iv) an officer of the local education authority nominated by the authority, to attend that meeting and to make oral representations about the exclusion; and
- (d) consider any oral representations so made.

(3) The governing body must consider whether or not the pupil should be reinstated and where they consider that the pupil should be reinstated, they must in addition consider whether he or she should be reinstated immediately, or reinstated by a particular date.

(4) If the governing body decide that the pupil should be reinstated, they must without delay —

- (a) give the appropriate direction to the head teacher, and

- (b) inform the relevant person and the local education authority of their decision.
- (5) The head teacher must comply with any direction of the governing body for the reinstatement of a pupil who has been excluded from the school.
- (6) If the governing body decide that the pupil should not be reinstated, they must without delay —
- (a) inform the relevant person, the head teacher and the local education authority of their decision, and
 - (b) in addition, in the case of a pupil who is permanently excluded, give the relevant person notice in writing referring to that decision and stating the following matters —
 - (i) the reasons for the decision,
 - (ii) his or her right to appeal against the decision,
 - (iii) the person to whom he or she should give any notice of appeal,
 - (iv) that any notice of appeal must contain the grounds of appeal, and
 - (v) the last date on which an appeal may be made.
- (7) Where —
- (a) the head teacher of a maintained school excludes a pupil in a case where paragraphs (2) to (6) do not apply, and
 - (b) the governing body receive any representations made in pursuance of regulation 4(1)(c) by the relevant person about the exclusion,
- they must consider those representations.
- (8) Subject to paragraph (9), the governing body must take each of the steps referred to in paragraph (2) —
- (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 50 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 regulation 4(4).
- (9) Where a pupil has been excluded in circumstances in which he or she would, as a result of the exclusion, lose an opportunity to take a public examination, the governing body must (so far as it is practical for them to do so) take each of the steps referred to in paragraph (2) before the date on which the pupil is due to take the examination and in any event no later than is required by paragraph (8).
- (10) The governing body are not to be relieved of the duty to take any step referred to in paragraph (2) because it has not been taken within the periods specified in paragraphs (8) and (9).
- (11) The notice in writing referred to in paragraph (6)(b) may be given either —
- (a) by delivering it by hand to the relevant person's last known address, or
 - (b) by sending it by first class post in a properly addressed, pre-paid envelope to the relevant person's last known address.