

**Changes to legislation:** There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 1. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1 **E+W**

Section 4

#### REVIEW OF EXCLUSIONS FROM SCHOOLS IN ENGLAND: CONSEQUENTIAL AMENDMENTS

##### *Local Government Act 1972 (c. 70)*

- 1 In section 177 of the Local Government Act 1972 (provisions supplementary to provisions on allowances), in subsection (1A)—
- (a) before paragraph (c) insert—
    - “(ba) regulations made by virtue of section 51A(8) of the Education Act 2002 (allowances for exclusion review panels: England);”;
  - (b) in paragraph (c), for the words from “the Education Act” to the end substitute “that Act (allowances for exclusion appeal panels: Wales); and”.

##### **Commencement Information**

- I1** Sch. 1 para. 1 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

##### *Local Government Act 1974 (c. 7)*

- 2 In section 25 of the Local Government Act 1974 (authorities subject to investigation), in subsection (5)(e)—
- (a) for “appeal” substitute “review”;
  - (b) for “section 52” substitute “section 51A”.

##### **Commencement Information**

- I2** Sch. 1 para. 2 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

- 3 In section 31A of that Act (consideration of adverse reports), in subsection (3)(c), for “exclusion appeal panel” substitute “exclusion review panel”.

##### **Commencement Information**

- I3** Sch. 1 para. 3 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

##### *Tribunals and Inquiries Act 1992 (c. 53)*

- 4 In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of the Council), in paragraph 15 (education), after subparagraph (a), insert—

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“(aa) exclusion review panels constituted in accordance with regulations under section 51A of the Education Act 2002;”.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

*EA 1996*

5 EA 1996 is amended as follows.

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

6 In section 444ZA (application of section 444 to alternative educational provision), in subsection (1D), in paragraph (a), for “section 52” substitute “ section 51A ”.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

7 In Schedule 35B (meaning of “eligible child” for purposes of school travel arrangements), in paragraph 8(2)(b), for “section 52” substitute “ section 51A ”.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

*SSFA 1998*

8 Section 87 of SSFA 1998 (no requirement to admit children permanently excluded from two or more schools) is amended as follows.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

9 After subsection (3) insert—

“(3A) A child who has been permanently excluded from a school in England shall not be treated for the purposes of this section as having been so excluded if any of the following applies—

(a) the child was reinstated as a pupil at the school following a direction from the responsible body—

(i) in accordance with regulations under subsection (3)(b) of section 51A of the Education Act 2002;

(ii) following a recommendation from the review panel that the responsible body reconsiders the matter under subsection (4)(b) of that section;

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- (b) the child would have been reinstated as a pupil at the school following a direction from the responsible body as described in paragraph (a)(i) or (ii), if it had been practical for the responsible body to give such a direction;
- (c) the review panel has quashed a decision of the responsible body not to reinstate the child as a pupil at the school under subsection (4)(c) of section 51A of the Education Act 2002;
- (d) the child was so excluded at a time when the child had not attained compulsory school age.

(3B) In subsection (3A) “the responsible body” has the same meaning as in section 51A of the Education Act 2002.”

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

- 10 In subsection (4), in the opening words—
- (a) omit “However,”;
  - (b) after “a school” insert “ in Wales ”.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

*Equality Act 2010 (c. 15)*

- 11 Schedule 17 to the Equality Act 2010 (disabled pupils: enforcement) is amended as follows.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

- 12 In the heading above paragraph 14, at the end insert “ : Wales ”.

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

- 13 In paragraph 14 (exclusions)—
- (a) in sub-paragraph (1), at the end insert “ that are made in relation to schools in Wales ”;
  - (b) for sub-paragraph (4), substitute—
    - “(4) Appeal arrangements are arrangements under section 52(3) of the Education Act 2002 enabling an appeal to be made against an exclusion decision.”;
  - (c) in sub-paragraph (5), omit paragraph (b).

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#### **Commencement Information**

**I13** Sch. 1 para. 13 in force at 1.9.2012 by S.I. 2012/1087, art. 3 (with art. 4)

**Changes to legislation:**

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