
STATUTORY INSTRUMENTS

2012 No. 1033

**The School Discipline (Pupil Exclusions
and Reviews) (England) Regulations 2012**

PART 2

Maintained schools

Exclusion of pupils: head teacher's duty to inform relevant person, governing body and local authority

5.—(1) Where the head teacher decides to exclude a pupil for a fixed period, the head teacher must, without delay—

- (a) inform the relevant person of the period of the exclusion and the reasons for it; and
 - (b) give the relevant person notice in writing stating the following matters—
 - (i) the period of the exclusion and the reasons for it;
 - (ii) that the relevant person may make representations about the decision to the governing body and that, where the pupil is not the relevant person, the pupil may also be involved in the process of making representations, and an explanation as to how the pupil may be involved;
 - (iii) the means by which representations may be made; and
 - (iv) where and to whom representations should be sent.
- (2) Paragraph (3) applies where the head teacher decides—
- (a) to exclude a pupil permanently; or
 - (b) to exclude a pupil and, as a result of the exclusion, the pupil would—
 - (i) be excluded for a total of more than 5 school days in any term; or
 - (ii) lose an opportunity to take a public examination or a National Curriculum test.
- (3) The head teacher must, without delay—
- (a) inform the relevant person, the governing body and the local authority (and, in the case of a permanent exclusion, if applicable, the home local authority) of the period of the exclusion and the reasons for it; and
 - (b) give the relevant person notice in writing stating the following matters—
 - (i) the period of the exclusion and the reasons for it;
 - (ii) that the relevant person may make representations about the decision to the governing body and that, where the pupil is not the relevant person, the pupil may also be involved in the process of making representations, and an explanation as to how the pupil may be involved;
 - (iii) the means by which representations may be made;
 - (iv) where and to whom representations should be sent; and

(v) where a meeting of the governing body is to consider the exclusion, that the relevant person may attend and be represented at the meeting (at their own expense), and may be accompanied by a friend.

(4) Any expense in connection with the representation of the relevant person is to be an expense of the relevant person.

(5) In each term the head teacher must inform the governing body and the local authority of the following—

- (a) all exclusions that have occurred in that term to which paragraph (3) does not apply;
- (b) unless the head teacher has already done so, any such exclusions occurring during previous terms in that school year; and
- (c) the period of each exclusion and the reasons for it.