

2022 No. 788

EDUCATION, ENGLAND

**The School Discipline (Pupil Exclusions and Reviews)
(England) (Amendment) Regulations 2022**

Made - - - - *12th July 2022*

Laid before Parliament *14th July 2022*

Coming into force *1st September 2022*

The Secretary of State, in exercise of the powers conferred by sections 51A(3), (5), (8) and (12), 210(7) and 214 of the Education Act 2002(a), makes the following Regulations.

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the School Discipline (Pupil Exclusions and Reviews) (England) (Amendment) Regulations 2022.

(2) These Regulations come into force on 1st September 2022.

(3) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations, “2012 Regulations” means the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012(b).

Exclusions to which these Regulations apply

3.—(1) These Regulations apply to exclusions under the 2012 Regulations which occur on or after 1st September 2022.

(2) The 2012 Regulations, as unamended by these Regulations, continue to apply to exclusions under the 2012 Regulations which occur before 1st September 2022.

Amendment to regulation 2 of the 2012 Regulations: interpretation

4.—(1) Regulation 2 (interpretation) of the 2012 Regulations is amended as follows.

(2) After the definition of “SEN expert”, insert—

(a) 2002 (c. 32). Section 51A was inserted by section 4 of the Education Act 2011 (c. 21).

(b) S.I. 2012/1033, as amended by S.I. 2020/543, 2020/908, 2021/204 and 2021/953.

““social worker” means a registered social worker within the meaning of regulations 2(5) and (6) of the Social Workers Regulations 2018(a) and a reference to a social worker in these Regulations is a reference to any social worker who is assigned to the pupil who is excluded from a maintained school, pupil referral unit or an Academy;”.

(3) At the end of the definition of “unit”, omit “and”.

(4) After the definition of “unit”, insert—

““virtual school head” means a person appointed under section 22(3B) (general duty of local authority in relation to children looked after by them) of the Children Act 1989(b) and a reference to a virtual school head in these Regulations is to any virtual school head who has responsibility for the pupil who is excluded from a maintained school, pupil referral unit or an Academy; and”.

PART 2

Maintained schools

Amendment to regulation 5 of the 2012 Regulations: exclusion of pupils: head teacher’s duty to inform relevant person, governing body and local authority

5.—(1) Regulation 5 (exclusion of pupils: head teacher’s duty to inform relevant person, governing body and local authority) of the 2012 Regulations is amended as follows.

(2) In the heading, for “and local authority” substitute “, local authority, social worker and virtual school head”.

(3) In paragraph (1)(a), after “person”, insert “, the local authority, the social worker and the virtual school head”.

(4) In paragraph (3)(a)—

(a) for “and the local authority” substitute “, the local authority”;

(b) after “home local authority”, insert “, the social worker and the virtual school head”.

(5) In the opening words of paragraph (5), omit “and the local authority”.

Amendment to regulation 6 of the 2012 Regulations: functions of the governing body in relation to excluded pupils

6.—(1) Regulation 6 (functions of the governing body in relation to excluded pupils) of the 2012 Regulations is amended as follows.

(2) In paragraph (3)(b), for “or the local authority”, substitute “, the local authority, the social worker or the virtual school head”.

(3) In paragraph (3)(c), after paragraph (i) insert—

“(ia) the social worker;

(ib) the virtual school head;”.

(4) After paragraph (3B), insert—

“(3C) A social worker or virtual school head who has been invited to attend the meeting referred to in paragraph (3)(c) but is unable to do so may nominate another person as their representative to attend the meeting and make representations about the exclusion.”.

(5) In paragraphs (4)(b) and (6)(a)—

(a) for “and the local authority” substitute “, the local authority”;

(a) S.I. 2018/893.

(b) 1989 (c. 41). Section 22(3B) was inserted by section 99 of the Children and Families Act 2014 (c. 6), and amended by S.I. 2016/413.

(b) after “home local authority”, insert “, the social worker and the virtual school head”.

Amendment to regulation 7 of the 2012 Regulations: review of permanent exclusion of a pupil

7.—(1) Regulation 7 (review of permanent exclusion of a pupil) of the 2012 Regulations is amended as follows.

(2) In paragraph (6), for “and the local authority” substitute “, the local authority, the social worker and the virtual school head”.

Amendment to regulation 8 of the 2012 Regulations: reconsideration by governing body following a review

8.—(1) Regulation 8 (reconsideration by governing body following a review) of the 2012 Regulations is amended as follows.

(2) In paragraph (2)—

(a) for “and the local authority” substitute “, the local authority”;

(b) after “home local authority”, insert “, the social worker and the virtual school head”.

Amendment to regulation 9 of the 2012 Regulations: exclusions of pupils: guidance

9.—(1) Regulation 9 (exclusions of pupils: guidance) of the 2012 Regulations is amended as follows.

(2) After paragraph (a), insert—

“(aa) the social worker;

(ab) the virtual school head;”.

PART 3

Pupil Referral Units

Amendment to regulation 14 of the 2012 Regulations: exclusion of pupils: teacher in charge’s duty to inform relevant person, management committee and local authority

10.—(1) Regulation 14 (exclusion of pupils: head teacher’s duty to inform relevant person, management committee and local authority) of the 2012 Regulations is amended as follows.

(2) In the heading, for “and local authority” substitute “, local authority, social worker and virtual school head”.

(3) In paragraph (1)(a), after “person” insert “, the local authority, the social worker and the virtual school head”.

(4) In paragraph (3)(a)—

(a) for “and the local authority” substitute “, the local authority”;

(b) after “home local authority”, insert “, the social worker and the virtual school head”.

(5) In the opening words of paragraph (5), omit “and the local authority”.

Amendment to regulation 15 of the 2012 Regulations: functions of the management committee in relation to excluded pupils

11.—(1) Regulation 15 (functions of the management committee in relation to excluded pupils) of the 2012 Regulations is amended as follows.

(2) In paragraph (3)(b), for “or the local authority”, substitute “, the local authority, the social worker or the virtual school head”.

(3) In paragraph (3)(c)(i), after paragraph (i) insert—

- “(ia) the social worker;
- (ib) the virtual school head”.

(4) After paragraph (3B), insert—

“(3C) A social worker or virtual school head who has been invited to attend the meeting referred to in paragraph (3)(c) but is unable to do so may nominate another person as their representative to attend the meeting and make representations about the exclusion.”.

(5) In paragraphs (4)(b) and (6)(a)—

- (a) for “and the local authority” substitute “, the local authority”;
- (b) after “home local authority”, insert “, the social worker and the virtual school head”.

Amendment to regulation 16 of the 2012 Regulations: review of permanent exclusion of a pupil

12.—(1) Regulation 16 (review of permanent exclusion of a pupil) of the 2012 Regulations is amended as follows.

(2) In paragraph (6), for “and the local authority”, substitute “, the local authority, the social worker and the virtual school head”.

Amendment to regulation 17 of the 2012 Regulations: reconsideration by management committee following a review

13.—(1) Regulation 17 (reconsideration by management committee following a review) of the 2012 Regulations is amended as follows.

(2) In paragraph (2)—

- (a) for “and the local authority” substitute “, the local authority”;
- (b) after “home local authority”, insert “, the social worker and the virtual school head”.

Amendment to regulation 18 of the 2012 Regulations: exclusions of pupils: guidance

14.—(1) Regulation 18 (exclusions of pupils: guidance) of the 2012 Regulations is amended as follows.

(2) After paragraph (a), insert—

- “(aa) the social worker;
- (ab) the virtual school head;”.

PART 4

Academies

Amendment to regulation 23 of the 2012 Regulations: exclusion of pupils: principal’s duty to inform relevant person, proprietor, and local authority

15.—(1) Regulation 23 (exclusion of pupils: principal’s duty to inform relevant person, proprietor and local authority) of the 2012 Regulations is amended as follows.

(2) In the heading, for “and local authority” substitute “, local authority, social worker and virtual school head”.

(3) In paragraph (1)(a), after “person”, insert “, the local authority, the social worker and the virtual school head”.

(4) In paragraph (3)(a)—

- (a) for “and the local authority” substitute “, the local authority”;
 - (b) after “home local authority””, insert “, the social worker and the virtual school head”.
- (5) In paragraph (5), omit “and the local authority”.

Amendment to regulation 24 of the 2012 Regulations: functions of the proprietor in relation to excluded pupils

16.—(1) Regulation 24 (functions of the proprietor in relation to excluded pupils) of the 2012 Regulations is amended as follows.

- (2) In paragraph (3)—
 - (a) in sub-paragraph (b), for “or the principal”, substitute “, the principal, the social worker or the virtual school head”;
 - (b) in sub-paragraph (c), after paragraph (i), insert—
 - “(ia) the social worker;
 - (ib) the virtual school head;”;
 - (c) in sub-paragraph (d), after “(c)(i)”, insert “, (ia), (ib)”.
- (3) After paragraph (3B), insert—

“(3C) A social worker or virtual school head who has been invited to attend the meeting referred to in paragraph (3)(c) but is unable to do so may nominate another person as their representative to attend the meeting and make representations about the exclusion.”.
- (4) In paragraphs (4)(b) and (6)(a)—
 - (a) for “and the local authority” substitute “, the local authority”;
 - (b) after “home local authority””, insert “and the social worker and the virtual school head”.

Amendment to regulation 25 of the 2012 Regulations: review of permanent exclusion of a pupil

17.—(1) Regulation 25 (review of permanent exclusion of a pupil) of the 2012 Regulations is amended as follows.

- (2) In paragraph (6), for “and the proprietor”, substitute “, the proprietor, the social worker and the virtual school head”.

Amendment to regulation 26 of the 2012 Regulations: reconsideration by proprietor following a review

18.—(1) Regulation 26 (reconsideration by proprietor following a review) of the 2012 Regulations is amended as follows.

- (2) In paragraph (2)—
 - (a) for “and the local authority” substitute “, the local authority”;
 - (b) after “home local authority””, insert “and the social worker and the virtual school head”.

Amendment to regulation 27 of the 2012 Regulations: exclusions of pupils: guidance

19.—(1) Regulation 27 (exclusions of pupils: guidance) of the 2012 Regulations is amended as follows.

- (2) After paragraph (a), insert—
 - “(aa) the social worker;
 - (ab) the virtual school head;”.

PART 5

Constitution and procedure of review panels

Amendments to Schedule 1 of the 2012 Regulations

- 20.**—(1) Schedule 1 is amended as follows.
- (2) In paragraph 12(1)—
- (a) at the end of paragraph (b), omit “and”;
 - (b) after sub-paragraph (1)(b), insert—
 - “(ba) the social worker; and
 - (bb) the virtual school head;”.
- (3) In paragraph 19(1), after paragraph (b), insert—
 - “(ba) the social worker;
 - (bb) the virtual school head;”.

12th July 2022

Barran
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, whilst extending to the legal jurisdiction of England and Wales, apply only in relation to England.

These Regulations amend The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (S.I. 2012/1033) which apply in relation to maintained schools, pupil referral units, Academy schools or alternative provision Academy schools in England.

These amendments provide for social workers and virtual school heads to be involved in the school exclusions process, by ensuring that they are notified of relevant decisions and given the opportunity to make representations and attend meetings relating to school exclusions. The amendments also require the local authority to be informed without delay of all school exclusions regardless of the length of the exclusion.

A full impact assessment has not been produced for this instrument as no or no significant impact on the private, voluntary or public sector is foreseen.

An explanatory memorandum is published alongside these Regulations on www.legislation.gov.uk. Hard copies are available from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 33BT.

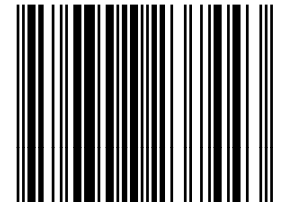
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