WELSH STATUTORY INSTRUMENTS

2003 No. 287 (W.39)

EDUCATION, WALES

The Education (Pupil Referral Units) (Appeals Against Permanent Exclusion) (Wales) Regulations 2003

Made - - - -	*12th February 2003*
Coming into force - -	*18th February 2003*

In exercise of the powers conferred on the Secretary of State by paragraph 3 of Schedule 1 to the Education Act 1996(**1**) and now vested in the National Assembly for Wales(**2**), and in exercise of the powers conferred on the National Assembly for Wales by sections 52(7) and (8) and 210(7) of the Education Act 2002(**3**), and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(**4**), the National Assembly for Wales hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations are called the Education (Pupil Referral Units) (Appeals Against Permanent Exclusion) (Wales) Regulations 2003 and shall come into force on 18th February 2003.

(2) These Regulations apply only in relation to Wales.

Interpretation provisions

2. In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996;

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**5**);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002;

"relevant decision" ("*penderfyniad perthnasol*") means any decision made after 31st August 1994 by the teacher in charge of a pupil referral unit to exclude a pupil permanently (which includes a decision that any exclusion of a pupil for a fixed period should be made permanent),

(**1**) 1996 c. 56. For the meaning of "regulations" *see* section 579.
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) 2002 c. 32; *see* section 212(1) for the meaning of "regulations".
(**4**) 1992 c. 53; paragraph 15(b) of Schedule 1 is prospectively substituted by paragraph 22 of Schedule 21 to the Education Act 2002.
(**5**) 1998 c. 31.

pursuant to paragraph 7 of Schedule 1 to the 1996 Act or paragraph 7 of Schedule 18 to the Education Act 1993(**6**);

"relevant person" ("*person perthnasol*") means—

(a) in relation to a pupil under the age of 18, a parent of his or hers;

(b) in relation to a pupil who has attained that age, the pupil himself or herself.

Appeal against permanent exclusion from a pupil referral unit

3.—(1) This regulation prescribes for the purposes of section 52(7) of the 2002 Act the person who may appeal to an appeal panel against a decision to permanently exclude a pupil from a pupil referral unit.

(2) The person prescribed is the relevant person in relation to any pupil who is the subject of a relevant decision.

Action to be taken by the teacher in charge of a pupil referral unit

4.—(1) Subject to paragraph (2), where the teacher in charge of a pupil referral unit excludes any pupil permanently on or after the day on which these Regulations come into force, the teacher in charge must forthwith—

(a) 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 day on which an appeal may be made.

(b) inform the local education authority that the pupil is being permanently excluded and the reasons for it.

(2) This regulation is not to apply to any relevant decision made before the day on which these Regulations come into force.

Arrangements for appeals against permanent exclusion of pupils

5.—(1) Subject to paragraph (2), a local education authority must make arrangements in accordance with these Regulations for enabling a relevant person to appeal against any relevant decision.

(2) No appeal may be made in relation to any relevant decision to which regulation 4(2) applies unless notice in writing setting out the grounds of appeal is given by the relevant person to the local education authority no later than 30 school days after the day on which these Regulations come into force.

Application of existing legislation

6.—(1) Subject to paragraph (2), Schedule 18 to the 1998 Act is to apply with the modifications prescribed in the Schedule to these Regulations in relation to any appeal against a relevant decision pursuant to arrangements made under regulation 5.

(**6**) 1993 c. 35.