1995 No. 99

EDUCATION

Schools (Suspension and Expulsion of Pupils) Regulations (Northern Ireland) 1995

Made	*16th March 1995*
Coming into operation . .	*1st September 1995*

The Department of Education, in exercise of the powers conferred on it by Articles 49(4)(**a**) and 134(1)(**b**) of the Education and Libraries (Northern Ireland) Order 1986(**c**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Schools (Suspension and Expulsion of Pupils) Regulations (Northern Ireland) 1995 and shall come into operation on 1st September 1995.

Interpretation

2.—(1) In these Regulations—

"board" means the education and libary board for the area in which the school is situated;

"CCMS" means the Council for Catholic Maintained Schools;

"Chairman of the Board of Governors" includes, where the Chairman is absent or otherwise unavailable, the member of the Board of Governors for the time being performing the duties of Chairman;

"the 1986 Order" means the Education and Libraries (Northern Ireland) Order 1986;

"a school day" means a day on which the school is in operation;

"principal" includes, where the principal is absent or otherwise unavailable, the vice-principal or other person for the time being performing the duties of principal.

(2) In these Regulations any reference to the parent of a pupil shall include, in the case of a pupil who has attained the age of eighteen, the pupil himself.

(a) As substituted by S.I. 1993/2810 (N.I. 12) Article 39
(b) As amended by S.I. 1993/2810 (N.I. 12) Article 50(1) and Schedule 4 Part II
(c) S.I. 1986/594 (N.I. 3) *see* Article 2(2) for definitions of "the Department", "prescribed" and "regulations"

Matters for which provision should be made in schemes

3. Without prejudice to the generality of Article 49(4) of the 1986 Order a scheme prepared under Article 49(1), (2) or (3) of that Order shall include provision for the following other matters, that is to say—

(*a*) a pupil may be suspended from school only by the principal;

(*b*) an initial period of such suspension shall not exceed five school days in any one school term;

(*c*) a pupil may be suspended from school for not more than fifteen school days in any one school term;

(*d*) where a pupil has been suspended from school, the principal shall immediately—

(i) give written notification of the reasons for the suspension and the period of the suspension to the parent of the pupil, to the board and to the Chairman of the Board of Governors and, in the case of a pupil suspended from a Catholic maintained school, to the local diocesan office of CCMS; and

(ii) invite the parent of the pupil to visit the school to discuss the suspension;

(*e*) the principal shall not extend a period of suspension except with the prior approval of the Chairman of the Board of Governors and shall in every such case give written notification of the reasons for the extension and the period of extension to the parent of the pupil, to the board and, in the case of a pupil suspended from a Catholic maintained school, to the local diocesan office of CCMS;

(*f*) a pupil may be expelled from a school only after serving a period of suspension;

(*g*) a pupil may be expelled from a school only after consultation about his expulsion has taken place between the principal, the parent of the pupil, the Chief Executive of the board or another officer of the board duly authorised by him and the Chairman of the Board of Governors and in the case of a Catholic maintained school the Director of CCMS or another officer of CCMS duly authorised by him, provided that any neglect or refusal on the part of the parent to take part in such consultations shall not prevent a pupil being expelled from the school;

(*h*) the consultations referred to in paragraph (*g*) shall include consultations about the future provision of suitable education for the pupil concerned;

(*i*) where a pupil has been expelled from the school the principal shall immediately give written notification to the parent of that pupil of his right to appeal the decision to expel that pupil, of the time limit set by the board for lodging the appeal and of where the appeal may be lodged.