
STATUTORY INSTRUMENTS

2020 No. 908

EDUCATION, ENGLAND

The School Discipline (England)
(Coronavirus) (Pupil Exclusions and Reviews)
(Amendment) (No. 2) Regulations 2020

Made - - - - 26th August 2020
Laid before Parliament 28th August 2020
Coming into force - - 25th September 2020

The Secretary of State makes the following regulations in exercise of the powers conferred by sections 51A(3) and (12) and 210(7) of the Education Act 2002(1).

Citation and commencement

1. These Regulations may be cited as the School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) (No. 2) Regulations 2020 and come into force on 25th September 2020.

Review of regulations 3 to 9

2. The Secretary of State must review the effectiveness of the amendments made by regulations 3 to 9 during the period starting with 25th September 2020 and ending with 24th March 2021.

Amendment of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

3. The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012(2) are amended as follows.

4. In regulation 2(1), in paragraph (a) of the definition of “relevant exclusion” for “but before 25th September 2020” substitute “but before 25th March 2021”.

5. In each of regulations 6(7A), 15(7A), 24(7A) and in paragraph 10(5) of Schedule 1, after “in relation to a relevant exclusion” insert “occurring before 25th September 2020”.

(1) [c. 32](#) (“the 2002 Act”). Section 51A was inserted by section 4 of the Education Act 2011 ([c. 21](#)). See section 212 of the 2002 Act for the definitions of “prescribed” and “regulations”.

(2) [S.I. 2012/1033](#) was amended by [S.I. 2020/543](#).

6. In regulation 6—

- (a) in paragraph (7) for “Subject to paragraphs (7A), (7B) and” substitute “Subject to paragraphs (7A), (7B), (7C), (7D) and”;
- (b) after paragraph (7B) insert—

“(7C) Paragraph (7D) applies where, in relation to a relevant exclusion occurring on or after 25th September 2020—

- (a) immediately before the applicable time limit referred to in paragraph (7)(a) or (b) expires the meeting referred to in paragraph (3)(c) has not been held because –

- (i) it has not been reasonably practicable to do so in person for a reason related to the incidence or transmission of coronavirus; and

- (ii) it has not been reasonably practicable to do so by way of remote access for a reason related to the satisfaction of the conditions in paragraph (3B)(a) to (d); and

- (b) that time limit expires on or after 25th September 2020.

(7D) Where this paragraph applies, the time limit referred to in paragraph (7)(a) or, as the case may be, (7)(b), within which the governing body must take steps is extended by such period as is reasonably necessary for a reason related to the incidence and transmission of coronavirus.”.

7. In regulation 15—

- (a) in paragraph (7) for “Subject to paragraphs (7A), (7B) and” substitute “Subject to paragraphs (7A), (7B), (7C), (7D) and”;
- (b) after paragraph (7B) insert—

“(7C) Paragraph (7D) applies where, in relation to a relevant exclusion occurring on or after 25th September 2020—

- (a) immediately before the applicable time limit referred to in paragraph (7)(a) or (b) expires the meeting referred to in paragraph (3)(c) has not been held because—

- (i) it has not been reasonably practicable to do so in person for a reason related to the incidence or transmission of coronavirus; and

- (ii) it has not been reasonably practicable to do so by way of remote access for a reason related to the satisfaction of the conditions in paragraph (3B)(a) to (d); and

- (b) that time limit expires on or after 25th September 2020.

(7D) Where this paragraph applies, the time limit referred to in paragraph (7)(a) or, as the case may be, (7)(b), within which the management committee must take steps is extended by such period as is reasonably necessary for a reason related to the incidence and transmission of coronavirus.”.

8. In regulation 24—

- (a) in paragraph (7) for “Subject to paragraphs (7A), (7B) and” substitute “Subject to paragraphs (7A), (7B), (7C), (7D) and”;
- (b) after paragraph (7B) insert—

“(7C) Paragraph (7D) applies where, in relation to a relevant exclusion occurring on or after 25th September 2020—

- (a) immediately before the applicable time limit referred to in paragraph (7)(a) or (b) expires the meeting referred to in paragraph (3)(c) has not been held because—
 - (i) it has not been reasonably practicable to do so in person for a reason related to the incidence or transmission of coronavirus; and
 - (ii) it has not been reasonably practicable to do so by way of remote access for a reason related to the satisfaction of the conditions in paragraph (3B)(a) to (d); and
- (b) that time limit expires on or after 25th September 2020.

(7D) Where this paragraph applies, the time limit referred to in paragraph (7)(a) or, as the case may be, (7)(b), within which the proprietor must take steps is extended by such period as is reasonably necessary for a reason related to the incidence and transmission of coronavirus.”.

9. In Schedule 1—

- (a) in paragraph 10, after sub-paragraph (6) insert—

“(7) Sub-paragraph (8) applies where, in relation to a relevant exclusion occurring on or after 25th September 2020—

- (a) immediately before the time limit referred to in sub-paragraph (2) expires, the meeting referred to in sub-paragraph (1) has not been held because—
 - (i) it has not been reasonably practicable to do so in person for a reason related to the incidence or transmission of coronavirus; and
 - (ii) it has not been reasonably practicable to do so by way of remote access for a reason related to the satisfaction of the conditions in sub-paragraph (4)(a) to (d); and
- (b) that time limit expires on or after 25th September 2020.

(8) Where this sub-paragraph applies, the time limit referred to in sub-paragraph (2) is extended to such later date as is reasonably necessary for a reason related to the incidence and transmission of coronavirus.”.

26th August 2020

Nick Gibb
Minister of State
Department for Education

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 ([SI 2012/1033](#)) (the ‘2012 Regulations’). The 2012 Regulations set out procedures in relation to exclusions under section 51A of the Education Act 2002, from maintained schools, pupil referral units and academies (Academy schools and alternative provision Academies) in England.

Regulation 4 of these Regulations amends the definition of relevant exclusions in the 2012 Regulations by extending the date by which an exclusion must have taken place, in order to be a relevant exclusion, from 25th September 2020 to 25th March 2021. This has the effect of extending the range of exclusions that are covered by provisions of the 2012 Regulations which enable certain meetings at which an exclusion will be considered, to be held by remote access if certain conditions apply.

Regulations 5 to 9 limit the existing provisions of the 2012 Regulations which extend certain time limits in those Regulations, if they cannot be met for a reason related to incidence and transmission of coronavirus or the practicability of holding a meeting by remote access. The effect is that those extensions of time apply, notwithstanding the amended definition of relevant exclusion referred to above, to exclusions which occurred before 25th September 2020. Regulations 5 to 9 also make alternative provision extending time limits for relevant exclusions which take place on or after that date.

The amendments made by regulations 3 to 9 are required, by regulation 2, to be kept under review during the period starting with 25th September 2020 and ending with 24th March 2021.

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 of Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.