



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 3

ADMISSIONS, EXCLUSIONS AND ATTENDANCE

Exclusion of pupils

52 Exclusion of pupils

- (1) The head teacher of a maintained school may exclude a pupil from the school for a fixed period or permanently.
- (2) The teacher in charge of a pupil referral unit may exclude a pupil from the unit for a fixed period or permanently.
- (3) Regulations shall make provision—
 - (a) requiring prescribed persons to be given prescribed information relating to any exclusion under subsection (1) or (2),
 - (b) requiring the responsible body, in prescribed cases, to consider whether the pupil should be reinstated,
 - (c) requiring the local education authority to make arrangements for enabling a prescribed person to appeal, in any prescribed case, to a panel constituted in accordance with the regulations against any decision of the responsible body not to reinstate a pupil, and
 - (d) as to the procedure on appeals.
- (4) Regulations under this section may also make provision—
 - (a) for the payment by the local education authority of allowances to members of a panel constituted in accordance with the regulations,

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- (b) requiring a person or body exercising functions under subsection (1) or (2) or under the regulations to have regard to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales,
- (c) requiring local education authorities to give prescribed information to the Secretary of State or the Assembly, as the case may be, and
- (d) in relation to any other matter relating to the exercise of the powers conferred by subsections (1) and (2).

(5) In subsection (3), “the responsible body” means—

- (a) in relation to exclusion from a maintained school, the governing body of the school, and
- (b) in relation to exclusion from a pupil referral unit, such person as may be prescribed;

and, in relation to any time when no responsible body is prescribed in relation to permanent exclusion from a pupil referral unit, subsection (3) shall have effect in relation to such an exclusion with the omission of paragraph (b) and as if the decision referred to in paragraph (c) were the decision of the teacher in charge of the unit permanently to exclude the pupil.

(6) Regulations made by virtue of subsection (4)(a) may provide for any of the provisions of sections 173 to 174 of the Local Government Act 1972 (c. 70) (allowances to members of local authorities and other bodies) to apply with prescribed modifications in relation to members of a panel constituted in accordance with regulations under this section.

(7) Regulations shall make provision enabling a prescribed person, in any prescribed case, to appeal to a panel constituted in accordance with the regulations against any decision made after 31st August 1994 under paragraph 7 of Schedule 1 to the Education Act 1996 (c. 56), or any enactment repealed by that Act, in relation to the permanent exclusion of a pupil from a pupil referral unit; and the provision that may be made by regulations made by virtue of this subsection in relation to any such decision includes any provision that could after the commencement of subsections (2) to (4) be made in relation to a decision falling within subsection (3)(c).

(8) Regulations under this section which—

- (a) relate to exclusions from pupil referral units (whether before or after the passing of this Act), and
- (b) are made before the repeal by this Act of the existing enactments is fully in force,

may provide for any provision made by or under the existing enactments to have effect in relation to exclusions from pupil referral units with such modifications as may be prescribed.

(9) In subsection (8) “the existing enactments” means sections 64(2) and (3) and 65 to 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (c. 31).

(10) In this section “exclude”, in relation to the exclusion of a child from a school or pupil referral unit, means exclude on disciplinary grounds (and “exclusion” shall be construed accordingly).

(11) In this section “maintained school” has the same meaning as in Chapter 1.

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Modifications etc. (not altering text)

- C1** [S. 52](#) modified (E.) (temp. from 20.1.2003) by [The Education Act 2002 \(Modification of Provisions\) \(No. 2\) \(England\) Regulations 2002 \(S.I. 2002/2953\)](#), [reg. 5](#)
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Commencement Information

- I1** [S. 52](#) partly in force; [s. 52\(7\)-\(11\)](#) in force at Royal Assent, see [s. 216\(1\)](#); [s. 52\(1\)-\(6\)](#) in force for E. at 20.1.2003 by [S.I. 2002/2952](#), [art. 2](#) (with savings and transitional provisions in [art. 3](#), [Sch. para. 4](#))
- I2** [S. 52\(1\)-\(6\)](#) in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#) (with [Sch. para. 4](#))

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 52 modified by [S.I. 2003/2959 reg. 6](#)
- s. 52 modified by [S.I. 2013/1793 reg. 8\(b\)](#)
- s. 52(1)-(6) coming into force by [S.I. 2003/2961 art. 7Sch. Pt. 4](#)
- s. 52(1) words inserted by [2011 c. 21 s. 4\(3\)\(a\)](#)
- s. 52(2) restricted by [S.I. 2003/3246 reg. 4](#)
- s. 52(2) restricted by [S.I. 2003/3246 reg. 4](#)
- s. 52(2) words inserted by [2011 c. 21 s. 4\(3\)\(b\)](#)
- s. 52(4)(b) words omitted by [2011 c. 21 s. 4\(3\)\(c\)\(i\)](#)
- s. 52(4)(c) words omitted by [2011 c. 21 s. 4\(3\)\(c\)\(ii\)](#)
- s. 52(5)(a) modified by [S.I. 2004/657 art. 3\(h\)](#)
- s. 52(6) words inserted by [2011 nawm 4 Sch. 3 para. 6](#)
- s. 52(11) coming into force by [S.I. 2003/1667 art. 4](#)
- s. 52(11) coming into force by [S.I. 2005/2910 art. 4Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act Education Acts modified (temp.) by [2006 c. 40 Sch. 6 para. 3\(3\)](#)
- Act applied by [S.I. 2005/397 Sch. 2 para. 2](#)
- Act modified by [2005 c. 18 s. 96\(2\)](#)
- Act words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(2\)](#)
- Act words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(3\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(1A) inserted by [2006 c. 40 Sch. 16 para. 2\(2\)](#)
- s. 4(1A) inserted by [2006 c. 40 Sch. 16 para. 3\(3\)](#)
- s. 4(2)(aa) inserted by [2006 c. 40 Sch. 16 para. 3\(4\)\(b\)](#)
- s. 14(2)(j)(k) inserted by [2004 c. 31 s. 59\(2\)](#)
- s. 14(2)(ca) inserted by [2011 c. 21 s. 15\(2\)\(a\)](#)
- s. 14(2A) inserted by [2004 c. 31 s. 59\(3\)](#)
- s. 14(2ZA) inserted by [2005 c. 18 Sch. 14 para. 23\(2\)](#)
- s. 14(2ZA) word substituted by [2011 c. 21 s. 15\(2\)\(b\)](#)
- s. 15(4) added by [S.I. 2010/1158 Sch. 2 para. 11\(6\)](#)
- s. 16(2A)(2B) inserted by [2011 c. 21 s. 15\(3\)\(c\)](#)
- s. 16(2A)(a) word inserted by [S.I. 2019/1027 reg. 8\(3\)\(a\)\(i\)](#)
- s. 16(2A)(a) words inserted by [S.I. 2019/1027 reg. 8\(3\)\(a\)\(ii\)](#)
- s. 16(2A)(b) words substituted by [S.I. 2019/1027 reg. 8\(3\)\(b\)](#)
- s. 19(1A) inserted by [2011 c. 21 s. 38\(2\)](#)
- s. 19(4A)(4B) inserted by [2011 c. 21 s. 38\(4\)](#)
- s. 19(9) inserted by [2011 nawm 7 s. 19\(2\)\(b\)](#)
- s. 20(4A) inserted by [2011 nawm 7 s. 19\(3\)\(b\)](#)
- s. 21(5)-(9) applied (with modifications) by [S.I. 2007/2979 Sch. 1 para. 12](#)
- s. 21(5)-(9) inserted by [2006 c. 40 s. 38\(1\)](#)
- s. 21(9)(a) substituted by [2009 c. 22 s. 194\(9\)\(a\)](#)
- s. 21(9)(b) substituted by [2015 anaw 2 Sch. 4 para. 7](#)
- s. 21(10) inserted by [2009 c. 22 s. 194\(9\)\(b\)](#)

- s. 21(10) words repealed by S.I. 2010/1158 Sch. 2 para. 11(7)Sch. 3 Pt. 1
- s. 23A inserted by 2006 c. 40 s. 34
- s. 25(1)(za) inserted by 2006 c. 40 Sch. 7 para. 19(a)
- s. 27(1A) inserted by 2010 c. 26 s. 4(1)
- s. 28(4A)-(4C) inserted by 2006 c. 40 s. 38(2)
- s. 28(4C) omitted by 2014 c. 6 s. 88(3)
- s. 28A inserted by 2005 c. 18 s. 105
- s. 29(2A)-(2D) inserted by 2009 c. 22 s. 260(4) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29A inserted by 2008 c. 25 s. 154
- s. 29B inserted by 2008 c. 25 s. 157
- s. 30(2A) inserted by 2009 nawm 3 s. 2
- s. 30A inserted by 2005 c. 18 s. 104
- s. 30A repealed by 2011 c. 21 s. 32(1)
- s. 32(5)-(10) inserted by 2008 nawm 2 s. 21(2)(c)
- s. 32(5)-(10) omitted by 2014 anaw 5 Sch. 3 para. 1(2)(c)
- s. 32A-32C inserted by 2014 anaw 5 s. 42
- s. 37(1)-(7B) applied (with modifications) by SI 2007/2979 Sch. 1 para. 17B (as inserted) by S.I. 2012/3158 reg. 3(2)
- s. 37(7A)(7B) inserted by 2011 c. 21 s. 47(2)
- s. 51A applied (with modifications) by S.I. 2012/1033 reg. 21
- s. 51A inserted by 2011 c. 21 s. 4(2)
- s. 62A applied (with modifications) by S.I. 2007/2979 Sch. 1 para. 18(1)
- s. 62A inserted by 2006 c. 40 Sch. 7 para. 20
- s. 62A(1A)-(1C) inserted by 2009 c. 22 s. 204(2)
- s. 62A(4) words inserted by 2009 c. 22 s. 204(3)
- s. 76(1) s. 76 renumbered as s. 76(1) by 2009 c. 22 Sch. 12 para. 32(2)
- s. 76(1) words repealed by 2009 c. 22 Sch. 12 para. 32(2)(3)Sch. 16 Pt. 4
- s. 76(2) inserted by 2009 c. 22 Sch. 12 para. 32(5)
- s. 80(1)(c)-(e) substituted for s. 80(1)(c)(d) by S.I. 2019/924 Sch. para. 7(2)
- s. 80(2A) inserted by S.I. 2019/924 Sch. para. 7(3)
- s. 80A80B applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 19 (as substituted) by S.I. 2019/924 Sch. para. 9
- s. 80A80B inserted by S.I. 2019/924 Sch. para. 8
- s. 84(A4)(4) substituted for s. 84(4) by S.I. 2013/2093 art. 2(b)
- s. 84(3)(ga) inserted by S.I. 2013/2093 art. 2(a)
- s. 8585A substituted for s. 85 by 2006 c. 40 s. 74(1)
- s. 85(4)(a) substituted by S.I. 2013/2092 art. 3
- s. 85(6) words substituted by 2009 c. 22 Sch. 12 para. 33
- s. 85(9) amended (temp.) by 2009 c. 22 Sch. 12 para. 33 (as amended) by S.I. 2010/1151 art. 21
- s. 85(9) words omitted by S.I. 2012/2056 art. 2(b)
- s. 85(9) words substituted by 2011 c. 21 Sch. 8 para. 12
- s. 85(10) words omitted by S.I. 2012/2056 art. 2(c)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by 2011 c. 21 s. 31(2)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by 2011 c. 21 Sch. 8 para. 20(b)
- s. 85A(5) words substituted by 2009 c. 22 Sch. 12 para. 34
- s. 86(1) s. 86 renumbered as s. 86(1) by 2006 c. 40 s. 74(2)(c)
- s. 86(2) inserted by 2006 c. 40 s. 74(2)(c)
- s. 87(6A) inserted by 2009 c. 22 s. 159(2)
- s. 87(7)(c)(d) inserted by 2009 c. 22 Sch. 12 para. 35(3)(b)
- s. 87(7)(c) omitted by 2011 c. 21 Sch. 8 para. 13
- s. 87(8A) inserted by 2009 c. 22 s. 159(3)
- s. 87(11)-(14) substituted for s. 87(11) by 2009 c. 22 Sch. 12 para. 35(6)
- s. 87(12A) inserted by 2009 c. 22 s. 159(4)

- s. 88(1) s. 88 renumbered as s. 88(1) by 2006 c. 40 s. 74(3)
- s. 88(1) s. 88 renumbered as s. 88(1) by 2008 c. 25 s. 156(1)
- s. 88(1) words inserted by 2008 c. 25 s. 156(1)
- s. 88(1A) inserted by 2008 c. 25 s. 156(2)
- s. 88(2)-(7) inserted by 2006 c. 40 s. 74(3)
- s. 88(7) repealed by S.I. 2010/1080 Sch. 1 para. 45 Sch. 2 Pt. 1
- s. 90(5)(b) substituted by 2011 c. 21 Sch. 8 para. 14(4)
- s. 90(5A)-(5C) inserted by 2009 c. 22 Sch. 12 para. 36(4)
- s. 90(5A) words substituted by 2011 c. 21 Sch. 8 para. 14(5)
- s. 90(5B) omitted by 2011 c. 21 Sch. 8 para. 14(6)
- s. 90(5C) words substituted by 2011 c. 21 Sch. 8 para. 14(7)
- s. 96(3)-(3B) substituted for s. 96(3) by 2009 c. 22 Sch. 12 para. 37(3)
- s. 96(6A)(6B) inserted by 2009 c. 22 Sch. 12 para. 37(7)
- s. 100(4)(c) inserted by 2009 nawm 1 s. 2(3)
- s. 101(1)(ba)(bb) inserted by S.I. 2003/932 art. 2
- s. 101(1)(ba) inserted by S.I. 2003/932 art. 2(2)
- s. 101(1)(bb) inserted by S.I. 2003/932 art. 2(3)
- s. 101(1)(bb) text amended by S.I. 2008/1899 art. 2
- s. 101(1)(bb) words substituted by S.I. 2008/1899 art. 2
- s. 101(1)(ca) inserted by 2009 nawm 1 s. 3(3)
- s. 105(3)(aa) inserted by S.I. 2008/1899 art. 3(b)
- s. 105(3)(aa) inserted by S.I. 2008/1899 art. 3(b)
- s. 107(1) s. 107 renumbered as s. 107(1) by 2009 nawm 1 s. 19(2)
- s. 107(1) words substituted by 2009 nawm 1 s. 19(2)
- s. 107(2) inserted by 2009 nawm 1 s. 19(3)
- s. 116A and cross-heading inserted by 2009 nawm 1 s. 4
- s. 116B inserted by 2009 nawm 1 s. 5
- s. 116C inserted by 2009 nawm 1 s. 6
- s. 116D inserted by 2009 nawm 1 s. 7
- s. 116E inserted by 2009 nawm 1 s. 8
- s. 116F inserted by 2009 nawm 1 s. 9
- s. 116G inserted by 2009 nawm 1 s. 10
- s. 116H inserted by 2009 nawm 1 s. 11
- s. 116I inserted by 2009 nawm 1 s. 12
- s. 116I(3)(4) substituted for s. 116I(3) by 2014 anaw 1 s. 6(3)
- s. 116J inserted by 2009 nawm 1 s. 13
- s. 116J(5)(b)(c) omitted by 2011 nawm 7 s. 9(3)(b)(ii)
- s. 116J(5)(aa) inserted by 2011 nawm 7 s. 9(3)(b)(i)
- s. 116K inserted by 2009 nawm 1 s. 14
- s. 116K(3) words substituted by 2014 anaw 1 s. 6(4)
- s. 116L inserted by 2009 nawm 1 s. 15
- s. 116M inserted by 2009 nawm 1 s. 16
- s. 116N inserted by 2009 nawm 1 s. 17
- s. 116N(3)(b) words omitted by 2013 anaw 1 Sch. 5 para. 21(6)
- s. 116O inserted by 2009 nawm 1 s. 18
- s. 129(6) inserted by 2006 c. 40 Sch. 3 para. 47(3)
- s. 129(6)(b) words inserted by 2013 anaw 1 Sch. 5 para. 21(7)
- s. 135A-135C and cross-heading inserted by 2011 c. 21 s. 9
- s. 135A(1)(c) words inserted by S.I. 2012/976 Sch. para. 12
- s. 135A(1)(d) words inserted by 2011 c. 21 Sch. 13 para. 13(2)(a)
- s. 135A(2)(k) words substituted by 2011 c. 21 Sch. 13 para. 13(2)(b)
- s. 135A(5) words inserted by 2011 c. 21 Sch. 13 para. 13(2)(c)
- s. 137(2A) inserted by 2007 c. 25 s. 23(2)
- s. 140(4)(5) inserted by 2015 anaw 1 Sch. para. 6
- s. 141A-141E and cross-heading inserted by 2011 c. 21 s. 8(1)
- s. 141A(1)(ba) inserted by 2011 c. 21 Sch. 13 para. 13(3)
- s. 141D(4) words inserted by 2011 c. 21 Sch. 13 para. 13(4)
- s. 141F-141H and cross-heading inserted by 2011 c. 21 s. 13(1)

- s. 141F(15)(b) words inserted by 2015 c. 2 Sch. 11 para. 19(2)(b)
- s. 141F(15)(b) words substituted by 2015 c. 2 Sch. 11 para. 19(2)(a)
- s. 141F(16) inserted by 2015 c. 2 Sch. 11 para. 19(3)
- s. 142(9)(a) words inserted by S.I. 2010/1158 Sch. 2 para. 11(10)(a)
- s. 142(9)(b) words substituted by S.I. 2010/1158 Sch. 2 para. 11(10)(b)
- s. 153(2)(ab) inserted by 2018 anaw 2 Sch. 1 para. 9(2)
- s. 156A inserted by 2008 c. 25 Sch. 1 para. 15
- s. 156AA inserted by S.I. 2012/976 Sch. para. 13
- s. 157(1A) inserted by 2006 c. 21 s. 47(1)
- s. 157(1A) repealed by 2008 c. 25 Sch. 1 para. 16Sch. 2
- s. 157(2)(b) repealed by 2008 c. 25 Sch. 1 para. 16Sch. 2
- s. 158(4)(5) inserted by 2018 anaw 2 s. 54(2)
- s. 162A162B inserted by 2005 c. 18 Sch. 8 para. 2
- s. 162A repealed by 2008 c. 25 Sch. 1 para. 18Sch. 2
- s. 162A(4) repealed by 2006 c. 40 Sch. 14 para. 73(2)Sch. 18 Pt. 5
- s. 162A(5) words substituted by 2006 c. 40 Sch. 14 para. 73(3)
- s. 162B repealed by 2008 c. 25 Sch. 1 para. 18Sch. 2
- s. 162B(8) repealed by 2006 c. 40 Sch. 14 para. 74Sch. 18 Pt. 5
- s. 163(5) words repealed by 2008 c. 25 Sch. 1 para. 19(c)Sch. 2
- s. 164(12) words repealed by 2008 c. 25 Sch. 1 para. 20Sch. 2
- s. 167A-167D and cross-heading inserted by 2006 c. 40 s. 169
- s. 167A(6)(a) repealed by 2008 c. 25 Sch. 1 para. 22(a)Sch. 2
- s. 167A(6)(b) words repealed by 2008 c. 25 Sch. 1 para. 22(b)Sch. 2
- s. 167B(1) words substituted by S.I. 2008/2833 Sch. 3 para. 196
- s. 167C amendment to earlier affecting provision 2008 c. 25 Sch. 1 para. 23 by 2011 c. 21 Sch. 2 para. 20(b)
- s. 167C167D substituted by 2008 c. 25 Sch. 1 para. 23
- s. 167C words substituted by 2009 c. 26 s. 81(2)s. 81(3)(k)
- s. 167C words substituted by 2009 c. 26 s. 81(4)(a)
- s. 167C words substituted by S.I. 2012/3006 art. 13(1)art. 13(2)(e)
- s. 168A-168C inserted by 2006 c. 40 s. 172(2)
- s. 183(1)(a)(aa) substituted for s. 183(1)(a) and word by S.I. 2010/1080 Sch. 1 para. 48(a)
- s. 183(1)(aa) omitted by 2011 c. 21 Sch. 16 para. 19
- s. 183(1)(aa) word omitted by 2015 c. 20 Sch. 14 para. 46(b)
- s. 203(1A) inserted by 2011 c. 21 Sch. 13 para. 13(5)(a)
- s. 208A inserted by 2009 c. 22 Sch. 6 para. 55
- s. 208A omitted by 2011 c. 21 Sch. 16 para. 20
- s. 210(6A)(6B) inserted by 2008 nawm 2 s. 21(3)(b)
- s. 210(6A) word substituted by 2014 anaw 5 Sch. 3 para. 1(6)
- s. 210(6A) words inserted by 2009 nawm 1 s. 20(2)(a)
- s. 210(6A) words inserted by 2009 nawm 1 s. 20(2)(b)
- s. 210(6A) words inserted by 2009 nawm 1 s. 20(2)(c)
- s. 210(6A) words inserted by 2009 c. 22 Sch. 6 para. 56
- s. 210(6A) words omitted by 2011 c. 21 Sch. 16 para. 21
- s. 210(6AB) inserted by 2009 nawm 1 s. 20(3)
- s. 210A inserted by 2008 c. 25 Sch. 1 para. 79
- Sch. 1 para. 5(1A)(1B) inserted by 2011 nawm 7 s. 19(7)
- Sch. 1 para. 3(2A)(2B) inserted by 2010 c. 26 s. 6(2)
- Sch. 1 para. 5(2)(a)(iv) and words inserted by 2010 c. 32 Sch. 2 para. 15
- Sch. 1 para. 5(1A)(1B) inserted by 2011 c. 21 s. 39
- Sch. 1 para. 5(2)(b)(i)-(iii) substituted by 2013 anaw 1 Sch. 5 para. 21(11)
- Sch. 1 para. 5(2)(a)(i) words repealed by S.I. 2010/1080 Sch. 1 para. 49Sch. 2 Pt. 1
- Sch. 2 para. 11 inserted by 2009 c. 22 s. 237(7)
- Sch. 11A inserted by 2011 c. 21 s. 8(2)
- Sch. 11A para. 2(4) words substituted by S.I. 2012/3006 art. 13(1)art. 13(2)(e)
- Sch. 11B inserted by 2011 c. 21 Sch. 4
- Sch. 11B para. 7(2)(a)(ii) words substituted by S.I. 2012/1809 Sch. Pt. 1

- Sch. 21 para. 113(c)(d)(g) coming into force by [S.I. 2003/2961 art. 5Sch. Pt. 2](#)
- Sch. 21 para. 113(b)(f) coming into force by [S.I. 2005/2910 art. 4Sch.](#)