1985 No. 202

EDUCATION

Schools (Suspension and Expulsion of Pupils) Regulations (Northern Ireland) 1985

Made	*31st July 1985*
Coming into operation . . .	*1st January 1986*

The Department of Education, in exercise of the powers conferred on it by Articles 38A(3)(**a**) and 125(1) of the Education and Libraries (Northern Ireland) Order 1972(**b**) 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) 1985 and shall come into operation on 1st January 1986.

Interpretation

2. In these regulations—

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

"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 Order" means the Education and Libraries (Northern Ireland) Order 1972;

"school day" means a day on which a 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.

Matters for which provision should be made in schemes

3. A scheme prepared under Article 38A of the Order by a board or the managers of a voluntary school shall include provision for the following matters—

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

(*b*) an initial period of suspension may not exceed five school days;

(*c*) where a pupil is suspended from a school, the principal must immediately—

(i) give written notification of the reasons for the suspension and the period of suspension to the parent of the pupil, to the board and to the Chairman of the Board of Governors or, in the case of a voluntary school referred to in Article 9(8)(**c**) of the Order, to the manager; and

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

(**a**) As inserted by S.I. 1984/1156 (N.I. 6) Art. 25

(**b**) S.I. 1972/1263 (N.I. 12)

(**c**) As inserted by S.I. 1984/1156 (N.I. 6) Art. 4. *See also* definition of "managers" in Art. 2(2) of S.I. 1972/1263 (N.I. 12) (as substituted by para. 1(*d*) of Schedule 8 to S.I. 1984/1156 (N.I. 6))

(*d*) the principal must not extend a period of suspension except with the prior approval of the Chairman of the Board of Governors or, in the case of a voluntary school referred to in Article 9(8) of the Order, the manager, and must in every such case give written notification of the reasons for the extension and the period of extension to the parent of the pupil and to the board;

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

(*f*) in the case of a controlled school, a pupil may be expelled from the school only by the board and in the case of a voluntary school, a pupil may be expelled from the school only by the managers;

(*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 Officer of the board or another officer of the board duly authorised by him and the Chairman of the Board of Governors or, in the case of a voluntary school referred to in Article 9(8) of the Order, the manager; provided that a refusal on the part of a parent to take part in such consultations is not to prevent a pupil being expelled;

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

Sealed with the Official Seal of the Department of Education on 31st July 1985.

(L.S.) *J. S. Smith*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations prescribe certain matters for which provision must be made in schemes made under Article 38A of the Education and Libraries (Northern Ireland) Order 1972 by education and library boards or the managers of voluntary schools specifying the procedures to be followed in relation to the suspension or expulsion of pupils from schools under their management.

These matters, which are set out in regulation 3, relate to where the authority rests to suspend or expel a pupil, the length of an initial period of suspension and the steps to be taken, including the consultations which should take place, where a pupil is suspended or is to be expelled.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.