



# Education Act 1997

## 1997 CHAPTER 44

### PART III

#### SCHOOL ADMISSIONS

### CHAPTER I

#### COUNTY AND VOLUNTARY SCHOOLS

##### *Partially-selective schools*

#### **10 Restriction of right to refuse admission to partially-selective school**

In section 411(3) of the Education Act 1996 (cases where parental preference need not be complied with), for paragraph (c) there shall be substituted—

- “(c) if the arrangements for admission to the preferred school—
- (i) are wholly based on selection by reference to ability or aptitude, and
  - (ii) are so based with a view to admitting only pupils with high ability or with aptitude,
- and compliance with the preference would be incompatible with selection under those arrangements.”

##### *Children permanently excluded from two or more schools*

#### **11 No requirement to admit children permanently excluded from two or more schools**

After section 411 of the Education Act 1996 there shall be inserted—

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**“411A No requirement to admit children permanently excluded from two or more schools**

- (1) The duty imposed by section 411(2) does not apply in the case of a child to whom subsection (2) applies.
- (2) Where a child has been permanently excluded from two or more schools, this subsection applies to him during the period of two years beginning with the date on which the latest of those exclusions took effect.
- (3) Subsection (2) applies to a child whatever the length of the period or periods elapsing between those exclusions and regardless of whether it has applied to him on a previous occasion.
- (4) However, a child shall not be regarded as permanently excluded from a school for the purposes of this section if—
  - (a) although so excluded he was reinstated as a pupil at the school following the giving of a direction to that effect to the head teacher of the school; or
  - (b) he was so excluded at a time when he had not attained compulsory school age.
- (5) In this section “school” means—
  - (a) a school maintained by a local education authority; or
  - (b) a grant-maintained or grant-maintained special school.
- (6) This section does not apply in relation to a child unless at least one of the two or more exclusions mentioned in subsection (2) took effect on or after the date of the coming into force of section 11 of the Education Act 1997.
- (7) For the purposes of this section the permanent exclusion of a child from a school shall be regarded as having taken effect on the school day as from which the head teacher decided that he should be permanently excluded.”

**12 Appeals in the case of children permanently excluded from two or more schools**

- (1) After section 423 of the Education Act 1996 there shall be inserted—

**“423A Appeals relating to children to whom section 411A(2) applies**

- (1) Nothing in section 423(1) or (2) requires any arrangements to be made for enabling the parent of a child to appeal against a decision—
  - (a) made by or on behalf of the admission authority for a county or voluntary school, and
  - (b) refusing the child admission to the school,
 in a case where, at the time when the decision is made, section 411A(2) applies to the child.
- (2) Where a local education authority are the admission authority for a county or controlled school, the authority shall make arrangements for enabling the governing body of the school to appeal against any decision made by or on

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behalf of the authority to admit to the school a child to whom, at the time when the decision is made, section 411A(2) applies.

- (3) Schedule 33A shall have effect in relation to the making and hearing of appeals pursuant to arrangements made under subsection (2).
  - (4) The decision of an appeal committee on an appeal made pursuant to arrangements under subsection (2) shall be binding—
    - (a) on the local education authority by or on whose behalf the decision under appeal was made, and
    - (b) on the governing body of any county or controlled school at which the appeal committee determines that a place should be offered to the child in question.”
- (2) After Schedule 33 to the Education Act 1996 there shall be inserted as Schedule 33A the Schedule set out in Schedule 2 to this Act.

#### *Home-school partnership documents*

### **13 Home-school partnership documents**

After section 413 of the Education Act 1996 there shall be inserted—

#### **“413A Admission arrangements may provide for home-school partnership documents**

- (1) The admission arrangements for a county or voluntary school may include provisions—
  - (a) setting out the terms of a partnership document for the school and the parental declaration to be used in connection with the document;
  - (b) making it a condition of the admission of every child to the school that his parent gives the admission authority a signed parental declaration either—
    - (i) at the time of applying for a place at the school for the child, or
    - (ii) if the child is allocated a conditional place, within such period as is specified in the arrangements; and
  - (c) authorising the admission authority to dispense with that condition to any extent in the case of a particular child where they are satisfied that there are special reasons for doing so.
- (2) For the purposes of this section and section 413B a “partnership document” is a statement specifying—
  - (a) the school’s aims and values;
  - (b) the responsibilities which the school intends to discharge in connection with the education of children admitted to the school; and
  - (c) the parental responsibilities, that is the responsibilities which the parents of such children are expected to discharge in connection with the education of their children while they are registered pupils at the school;

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and “parental declaration” means a declaration to be signed by a parent seeking the admission of his child to the school by which he acknowledges and accepts the parental responsibilities specified in the partnership document.

- (3) In determining the provisions to be included in the admission arrangements for a school in pursuance of subsection (1), the admission authority shall have regard to any guidance given from time to time by the Secretary of State.
- (4) The Secretary of State may by order provide that any form of words specified in the order, or having such effect as is so specified, is not to be used in a partnership document or (as the case may be) in a parental declaration.
- (5) An order under subsection (4) may apply to any school or description of school specified in the order.
- (6) Where a local education authority consult the governing body of a county or voluntary school under section 412(2)(a) or (b), the authority shall have particular regard to any representations by the governing body—
  - (a) that the admission arrangements for the school should include the provisions authorised by subsection (1), or
  - (b) as to the terms of the partnership document or parental declaration to be included in the arrangements, or
  - (c) as to any variation of those terms as for the time being so included, as the case may be.
- (7) In this section and section 413B—
 

“admission arrangements”, in relation to a school, means the arrangements for the admission of pupils to the school; and

“conditional place”, in relation to a child, means a place which is conditional on the child’s parent giving the admission authority a signed parental declaration.

#### **413B Effect of home-school partnership document**

- (1) This section applies where the admission arrangements for a county or voluntary school include the provisions authorised by section 413A(1).
- (2) The admission authority for the school shall, in the case of each child on behalf of whom an application for admission is made, notify his parent of the following matters, namely—
  - (a) the terms of the partnership document and the parental declaration, and
  - (b) the effect of the provisions of the admission arrangements authorised by section 413A(1)(b) and (c).
- (3) Where subsection (2) has been complied with in relation to a child’s parent but—
  - (a) the parent has failed to comply with the condition referred to in section 413A(1)(b), and
  - (b) the admission authority are not satisfied that there are special reasons for dispensing with that condition to the required extent in the case of that child,

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section 411(2) shall not require the admission of the child to the school; and, if he has been allocated a conditional place, the allocation of that place may be cancelled.

- (4) In subsection (3) the reference to dispensing with the condition mentioned in that subsection “to the required extent”—
- (a) is, where the parent gives the admission authority a signed parental declaration in relation to some but not the remainder of the parental responsibilities, a reference to dispensing with that condition so far as the remainder of those responsibilities are concerned; but
  - (b) is otherwise a reference to wholly dispensing with that condition.
- (5) In performing any function under this section the admission authority shall have regard to any guidance given from time to time by the Secretary of State.
- (6) A partnership document shall not be capable of creating any obligation in respect of whose breach any liability arises in contract or in tort.”