

SCHEDULES

SCHEDULE 3

Section 4.

(TO BE INSERTED IN THE PRINCIPAL ACT AS SCHEDULE A2) - APPLICATION OF CERTAIN PROVISIONS OF THIS ACT TO RECORDED CHILDREN AND YOUNG PERSONS

- 1 Sections 28B and 28D of this Act and Schedule A1 to this Act shall apply in relation to a recorded child.
- 2 Sections 28C, 28E(1) to (6) and 28F(1) and (5) to (7) of this Act shall not apply in relation to a recorded child (corresponding provision being made in sections 63 to 65 of this Act).
- 3 In relation to a recorded child, for section 28A of this Act there shall be substituted the following section—

“**28A**(1) Where the parent of a recorded child makes a written request to an education authority to place his child in the school specified in the request, being a school under their management, it shall be the duty of the authority, subject to subsections (2) and (3) below, to place the child accordingly; and where the parent of a recorded child makes a written request to the education authority for the area to which the child belongs (in accordance with section 23(3) of this Act) to place his child in the school specified in the request, not being a public school but being a special school the managers of which are willing to admit the child, it shall be the duty of the authority, subject to subsections (2) and (3) below, to meet the fees and other necessary costs of the child's attendance at the specified school.

Such a request so made is referred to in this Act as a "placing request" and the school specified in it is referred to in this Act as the "specified school".

- (2) Where a placing request relates to two or more schools being schools under the management of the education authority to whom it is made or special schools (other than public schools) the managers of which are willing to admit the child in respect of whom the request is made, the duty imposed by subsection (1) above shall apply in relation to the first mentioned such school, which shall be treated for the purposes of this Act as the specified school.
- (3) The duty imposed by subsection (1) above does not apply—
 - (a) if placing the child in the specified school would—
 - (i) make it necessary for the authority to take an additional teacher into employment;
 - (ii) give rise to significant expenditure on extending or otherwise altering the accommodation at or facilities provided in connection with the school;
 - (iii) be seriously detrimental to the continuity of the child's education; or

Status: This is the original version (as it was originally enacted).

- (iv) be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there ;
 - (b) if the education normally provided at the specified school is not suited to the age, ability or aptitude of the child ;
 - (c) if the education authority have already required the child to discontinue his attendance at the specified school;
 - (d) if, where the specified school is a special school, the child does not have special educational needs requiring the education or special facilities normally provided at that school;
 - (e) if the specified school is a single sex school (within the meaning given to that expression by section 26 of the Sex Discrimination Act 1975) and the child is not of the sex admitted or taken (under that section) to be admitted to the school; or
 - (f) if—
 - (i) the specified school is not a public school;
 - (ii) the authority are able to make at less cost adequate provision for the special educational needs of the child in a school under their management; and
 - (iii) the authority have offered to place the child in the school referred to in sub-paragraph (ii) above,
 but an education authority may place a child in the specified school notwithstanding paragraphs (a) to (f) above.
 - (4) An education authority shall inform a parent in writing of their decision on his placing request and, where they decide to refuse it, shall give him written reasons for their decision and inform him of his right to refer it under section 63 of this Act to an appeal committee.
 - (5) On complying with a placing request an education authority shall modify accordingly the nomination in the child's Record of a school to be attended by him.
 - (6) The Secretary of State may, by regulations, make provision for deeming an education authority to have refused a placing request in the event of their not having informed the parent in writing of their decision on it in accordance with subsection (4) above within such period or before such date as may be prescribed in the regulations and different periods or dates may be so prescribed for different purposes."."
- 4 (1) Sections 28A, 28B and 28D of this Act and Schedule A1 to this Act shall, subject to the provisions of this paragraph, apply in relation to a recorded young person as they apply in relation to a recorded child.
- (2) For the purposes of the application of those provisions to recorded young persons, references therein to the parent of a recorded child as well as references to the child himself shall, subject to sub-paragraph (3) below, be construed as references to the recorded young person.
- (3) Sub-paragraph (2) above does not apply in a case where, for the purposes of section 61(7) of this Act, the education authority were satisfied that the young person was not capable of expressing his views for the purposes of that section.

- 5 Sections 28C, 28E(1) to (6) and 28F(1) and (5) to (7) of this Act shall not apply in relation to a recorded young person (corresponding provision being made in sections 63 to 65 of this Act).
- 6 Section 28G of this Act shall not apply in relation to a recorded young person (corresponding provision being made in paragraph 4 of this Schedule).