



Education Act 1997

1997 CHAPTER 44

PART III

SCHOOL ADMISSIONS

CHAPTER I

COUNTY AND VOLUNTARY SCHOOLS

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—

“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—

Status: This is the original version (as it was originally enacted).

- (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 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.