
DRAFT STATUTORY INSTRUMENTS

1998 No.

The Education (Grammar School Ballots) Regulations 1998

PART II

PETITIONS FOR A BALLOT

Petitions for a ballot—general

7.—(1) No ballot shall be held under these Regulations unless a request for a ballot is made by means of a petition sent to the designated body which satisfies the requirements of paragraphs (3) to (5) and regulation 8(1) to (5) (but subject to regulations 8(6) and 23(3)) (in these regulations referred to as a “valid petition”).

(2) The designated body shall determine whether a petition is a valid petition.

(3) A petition shall relate to—

- (a) all grammar schools within a relevant area,
- (b) a group of grammar schools, or
- (c) a stand alone grammar school,

and a petition which relates to a relevant area is referred to in these Regulations as a petition for an area ballot and a petition which relates to a group of grammar schools or a stand alone grammar school is referred to as a petition for a feeder school ballot.

(4) A petition must be received by the designated body during a petition period.

(5) Subject to paragraph (6) a petition must be signed by a number of relevant eligible parents which, when taken together with the number of relevant eligible parents who have signed any previous petition relating to the same area, group of grammar schools or stand alone grammar school which has been received by the designated body during the same petition period, is at least 20% of the parent population.

(6) If a parent signs a petition on a date before the beginning of the petition period in which the petition is received, the parent’s signature shall be disregarded for the purposes of paragraph (5).

(7) For the purpose of paragraph (5)—

- (a) the question of whether an eligible parent is a “relevant” eligible parent shall be determined in accordance with regulation 9(1) to (6);
- (b) “the parent population” shall be determined in accordance with regulation 9(7);
- (c) if the same parent signs a petition more than once or signs more than one petition relating to the same area, group of grammar schools or stand alone grammar school in any petition period, any signature in excess of one shall be disregarded; and
- (d) where a parent signs a petition but the information referred to in regulation 8(3) is not included, or not included in a legible form, that parent’s signature shall be disregarded.

Form of petition

8.—(1) A petition shall on each sheet state—

- (a) the grammar school or schools to which it relates; and
- (b) where it is a petition for an area ballot, the relevant area in question.

(2) A petition shall, on each sheet, contain the following words:—

“We the undersigned, being eligible parents, seek a ballot on whether those listed schools which select by academic ability should continue to do so.”

(3) In relation to each parent who signs a petition the following information shall be given—

- (a) the first name and surname and address of the parent;
- (b) in the case of a petition for an area ballot—
 - (i) the name of the parent’s child or, where the parent has more than one child, the name of at least one of the parent’s children who, at the date on which the petition is signed, is of compulsory school age (where the child is a pupil at a school) or is aged 16 or under (where the child is educated otherwise than at school); and
 - (ii) the name of the school which the child named in the petition is attending or, where the child does not attend a school, a statement to that effect; or
- (c) in the case of a petition for a feeder school ballot—
 - (i) the name of a child of that parent who is a pupil at a school which is a feeder school for the group of grammar schools or, as the case may be, the stand alone grammar school to which the petition relates who, at the date on which the petition is signed, is of compulsory school age; and
 - (ii) the name of the school which the child named in the petition is attending; and
- (d) the date on which the parent signs the petition.

(4) A petition shall, on each sheet contain a statement to the effect that a person signing it confirms that the information given in relation to that person is true and correct.

(5) The petition shall give the name and address of the person (in these Regulations referred to as the “petition organiser”) to whom notification should be given as to whether the petition is valid.

(6) Where the designated body has given the notification required by regulation 10(1) that a valid petition has been received, any subsequent petition relating to the same relevant area, group of grammar schools or stand alone grammar school shall not be valid unless—

- (a) the subsequent ballot is in favour of retaining selective admission arrangements; and
- (b) no person signs it before the end of the moratorium period for the area, group of grammar schools or stand alone grammar school.

Meaning of “relevant eligible parent” and “parent population”

9.—(1) A parent is a relevant eligible parent if he is a school registered parent at the date of the electoral list referred to in one of paragraphs (2) to (5) as appropriate.

(2) Where none of the paragraphs (3) to (5) apply the electoral list referred to in paragraph (1) is that for the current term.

(3) If—

- (a) at the time when the petition is received by the designated body they have not obtained the electoral list for the current term for the relevant school by reference to which a person is a school registered parent, and

- (b) in the light of the date on which the petition is received they do not anticipate that they will be able to do so during that term,

the electoral list referred to in paragraph (1) is that for the next term after the current term for which a list is provided to the designated body.

- (4) If—

- (a) at the time when the petition is received by the designated body they have not obtained the electoral list for the current term for the relevant school by reference to which a person is a school registered parent, and
- (b) (despite a request under regulation 19(4)) the designated body does not receive an electoral list for the current term but receives an electoral list for a later school term,

the electoral list referred to in paragraph (1) is the electoral list for the later term.

- (5) If—

- (a) paragraph (3) does not apply in respect of the relevant school by reference to which a person is a school registered parent, but
- (b) paragraph (3) applies in respect of another relevant school, and
- (c) as a result of the operation of paragraph (3) in respect of that school, the electoral list which applies for the purposes of paragraph (1) is that for the school term after the summer holidays,

the electoral list referred to in paragraph (1) is the electoral list for the school term starting after the summer holidays or where (despite a request under regulation 19(4)) the designated body does not receive that list but receives a list for a later school term, the electoral list for the later school term.

- (6) A parent is also a relevant eligible parent if he is a ballot registered parent on the date on which the petition is received by the designated body.

- (7) For the purposes of regulation 7(7) “the parent population” means—

- (a) in the case of an area ballot, the total of school registered parents; and
- (b) in the case of a feeder school ballot, the total of eligible parents,

in the case at the date determined under paragraph (8).

- (8) The date referred to in paragraph (7) is—

- (a) except in the circumstances described in sub-paragraph (b), the date of the first electoral list provided to the designated body for each relevant school for the petition period during which the petition is received, provided that if paragraph (4) applies in relation to any school and an electoral list is not provided to the designated body for that petition period, the date of the electoral list actually provided in relation to the petition in question shall, in relation to that school, be substituted for the date of the first electoral list for the petition period; and
- (b) where paragraph (3) applies in relation to at least one school and, as a result of its application, the electoral list or lists which apply for the purpose of determining whether a parent is a relevant eligible parent is that for the school term after the summer holidays, the date of the first electoral list provided to the designated body for each relevant school for the next petition period.

and in this paragraph an electoral list provided “for” a particular petition period is an electoral list the date of which falls within the petition period in question.

- (9) In calculating, for the purposes of paragraph (7), the total of school registered parents or eligible parents each parent shall count only once (irrespective of the number of children a parent may have or the number of schools they attend).

- (10) In this regulation—

“the current term” in relation to any school, is the term in which the date on which the petition is received falls, or

- (a) where that date falls in any school holidays, the most recent term, except where sub-paragraph (b) applies; and
- (b) where that date falls in the summer holidays, the subsequent term, except in a case where on that date the designated body has obtained an electoral list for that school for the term ending before the summer holidays; and

“the first electoral list” for any petition period means the electoral list obtained by the designated body on the first occasion in any petition period on which it obtains such a list whether in compliance with its obligations under regulation 18 below or in order to determine the validity of a petition,

and any reference to an electoral list for a particular term is a reference to the electoral list obtained by the designated body for that term whether in compliance with its obligations under regulation 18 or in order to determine the validity of a petition.

Notification of result of petition

10.—(1) Where the petition is a valid petition the designated body shall notify the persons referred to in paragraph (2) of this fact and that a ballot will be held.

(2) The persons to be notified are—

- (a) the local education authority which maintains the grammar school or schools to which the petition relates;
- (b) if different, the local education authority in which such grammar school or schools is situated;
- (c) the Secretary of State;
- (d) the petition organiser;
- (e) (when established) the school organisation committee (within the meaning of section 24(4) of the Act) for the area of the local education authority referred to in sub-paragraph (a) and (if applicable) sub-paragraph (b);
- (f) the governing body of each grammar school to which the petition relates;
- (g) where the petition was a petition for an area ballot the governing body or proprietor of each other relevant school in relation to the area; and
- (h) where the petition was a petition for a feeder school ballot, the governing body or proprietor of each feeder school for the group of grammar schools or stand alone grammar school (as the case may be).

(3) Where the petition is not a valid petition the designated body shall notify the persons referred to in paragraph (2)(a) to (d) and (f).