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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

**The Education (Grammar School Ballots) Regulations 1998**

**PART IV**

**SUPPLEMENTARY**

**Implementation of decision that a school should cease to have selective admission arrangements.**

**17.**—(1) Subject to paragraph (2), for the purposes of section 108(2) of the Act (which, where it applies, provides that the admission authority for a grammar school to which the ballot related shall secure that their admission arrangements are revised so that the school no longer has selective admission arrangements), the prescribed school year is—

- (a) where the ballot result date is on or before 31st December in any school year, the second school year after the ballot result date; and
- (b) where the ballot result date is after 31st December in any school year, the third school year after the ballot result date.

(2) Where the Secretary of State has given the notification required by regulation 15(4) but determines not to declare the ballot void, paragraph (1) above shall have effect as if the ballot result date was the date of the notification required to be given under regulation 15(5).

**Information to be given by the designated body**

**18.**—(1) If—

- (a) 10 or more persons jointly notify the designated body in writing that they are considering raising a petition; and
- (b) the notification nominates one of those persons as the person to receive information from the designated body,

the designated body shall, as soon as practicable, give that person the information specified in paragraph (2).

(2) The information referred to in paragraph (1) is—

- (a) where the proposed petition is to be a petition for a feeder school ballot—
  - (i) the names of the feeder schools for the group of grammar schools, or, as the case may be, the stand alone grammar school in the school year in which the notification is made (on the assumption that regulation 23(3) to (5) will not apply during that school year); and
  - (ii) the transfer age group for the group of grammar schools or stand alone grammar school in question;
- (b) the number of parents who would need to sign the petition for it to comply with regulation 7(5) on the assumption —

- (i) that the petition is received by the designated body during the same petition period as that in which the notification was made, or where the petition was not received during a petition period or was received on the date referred to in paragraph (5), that the petition is received in the next petition period;
  - (ii) that regulation 9(3) will not apply in relation to any school in the petition period referred to in paragraph (i) of this sub-paragraph; and
  - (iii) where the proposed petition is to be a petition for a feeder school ballot, regulation 23(3) to (5) will not apply during that petition period;
- (c) the words to be contained in a petition in accordance with regulation 8(2).

(3) Where the designated body have determined, in the light of information obtained under regulation 19, that a school has become a feeder school for a group of grammar schools or a stand alone grammar school they shall notify the governing body of that school of that fact and of the transfer age group for the group of grammar schools or stand alone grammar school in question.

(4) Where the designated body have determined, in the light of information obtained under regulation 19 that a school has ceased to be a feeder school for a group of grammar schools or a stand alone grammar school they shall notify the governing body of that school.

(5) The date referred to in paragraph (2)(b)(i) is the date such that, if a petition had been received on that date, regulation 9(3) would have applied in relation to at least one school and, as a result of its application, the electoral list which would have applied for the purpose of determining whether a parent was a relevant eligible parent would have been that for the school term after the summer holidays.

### **Information to be given to the designated body**

**19.**—(1) The governing body of each stand alone grammar school shall, within 10 school days of a request by the designated body, provide the designated body with the names of the schools which in the school year in which the request is made are feeder schools for that grammar school.

(2) The governing body of each grammar school in a group of grammar schools shall, within 10 school days of a request by the designated body, provide the designated body with details of all the schools from which pupils have transferred to the grammar school, disregarding any pupils who fall to be disregarded under regulation 6(2), during the school years specified in the request and the number of pupils who transferred from each such school to the grammar school.

(3) The governing body of each grammar school in a group of grammar schools or stand alone grammar school shall, within 10 school days of a request by the designated body, inform the designated body of the transfer age group for the school.

(4) The governing body or proprietor of each relevant school shall, subject to paragraph (5), within 15 school days of a request by the designated body, provide the designated body with the electoral list for the school as it has effect on the date 10 school days after the date of the request.

(5) Where however the governing body or proprietor of a relevant school have already during a petition period provided the designated body with the electoral list for the school and a further request under paragraph (4) is received during the same petition period, the governing body or proprietor may comply with paragraph (4) by providing details of the changes to the electoral list which have taken place since the date of the electoral list which was previously provided (or, as the case may be, since the date on which details of changes were previously provided under this paragraph) as those changes have effect on the date 10 school days after the date of the request; and any reference in these Regulations to “the electoral list” shall, where the context requires, be a reference to the list as amended in the light of changes referred to above.

(6) The governing body or proprietor of each relevant school shall, within 10 school days of a request by the designated body—

- (a) provide the designated body with details of the dates on which the terms are expected to start and end in any school year specified in the request; and
  - (b) provide the designated body with any other information they may reasonably require to verify information given under paragraphs (1) to (4) or to enable the designated body to comply with regulation 7(2) or 18.
- (7) Any local education authority—
- (a) specified in Schedule 1, or
  - (b) which maintains a grammar school in a group or a stand alone grammar school,
- and the councils of London borough of Sutton and the county of Surrey shall, within 10 days of a request by the designated body, provide the designated body with such information as they may reasonably require to comply with regulation 7(2) or 18.

### **Information to be given to parents**

**20.**—(1) Where any registered parent of a registered pupil at a school to which this regulation applies, other than a registered parent referred to in paragraph (3), so requests in writing, and the request is made in connection with the raising of a petition or in connection with the dissemination of material in connection with a proposed ballot, the governing body or proprietor of the school shall, subject to paragraph (4)—

- (a) make available to the parent for inspection at the school (at reasonable times and free of charge) the electoral list for the school; and
  - (b) supply the parent with a copy of the list.
- (2) This regulation applies to a school which—
- (a) at the date of the request referred to in paragraph (1) above is a relevant school, (whether or not, in the case of a school which is a feeder school for a group of grammar schools, the governing body has been given the notification required by regulation 18(3)); or
  - (b) at that date appears to the governing body to be or to be likely to be a relevant school by reason of being a feeder school for a grammar school in a group of grammar schools or a stand alone grammar school.
- (3) Paragraph (1) does not apply where the request is made by—
- (a) a registered parent who on the date of the request is not an eligible parent by virtue of falling within regulation 4(3);
  - (b) a registered parent whose only child at the school falls to be disregarded under regulation 4(4) or (6) for the purpose of determining whether a parent is an eligible parent; or
  - (c) a registered parent of a child at an independent school situated in a relevant area who on the date of the request is not resident in the relevant area in question.
- (4) A governing body or proprietor shall not disclose to a parent under paragraph (1) the name and address of any person who has requested the governing body in writing not to disclose that information under that paragraph and accordingly the name and address of that person shall be excluded from the list there mentioned.
- (5) Subject to regulation 22(5), if the designated body have given the notification required by regulation 10(1) that a valid petition has been received, paragraph (1) shall not apply to schools which are, or are likely to be, relevant schools in relation to the area, group of grammar schools or stand alone grammar school to which the petition relates, where the request is made later than 4 weeks after the date of that notification, unless the subsequent ballot is in favour of retaining selective admission arrangements and (where that is the case) until the end of the moratorium period for that area, group of grammar schools or stand alone grammar school.

(6) A governing body or proprietor of a school who under paragraph (1)(b) supply copies of the list mentioned in that paragraph may charge such fee as they think fit (not exceeding the cost of supply) in respect of each copy supplied.

### **Application of section 497 of the Education Act 1996**

**21.** Section 497 of the Education Act 1996 applies to proprietors of independent schools in relation to the duties imposed by regulations 19(4) and (6) and 20.

### **Provisions where petition is received before 31st July 1999**

**22.**—(1) This regulation applies in relation to any petition and any ballot held in consequence of such a petition where the petition is received before 31st July 1999.

(2) Regulation 5(5) shall have effect as if for “the date 4 weeks after the date of such notification” there were substituted “28th September 1999”.

(3) Despite regulation 12, the persons eligible to vote in a ballot are—

(a) each parent who is a school registered parent—

- (i) at the date of the electoral list for the term which includes, or immediately follows, 1st September 1999 for any school which is a relevant school for that ballot, or
- (ii) if (despite a request under regulation 19(4)) the designated body does not receive an electoral list for that term, at the date of the electoral list for the first term after that term which the designated body receive; and

(b) where the ballot is an area ballot (in addition) each parent who is a ballot registered parent on 28th September 1999.

(4) Regulation 14(4)(a) shall not apply but the designated body shall secure that the date on which ballot papers must be returned shall be as soon as reasonably practicable after 1st September (without prejudice to regulation 14(4)(b)).

(5) Regulation 20(5) shall have effect as if for “later than 4 weeks after the date of that notification” there were substituted “after 28th September 1999”.

### **Transitional provisions**

**23.**—(1) This regulation applies where before sections 35, 41 or 259 of the Education Act 1996 are repealed by Schedule 32 to the Act and before section 104(4)(b) of the Act comes into force, proposals to make a significant change in the character of a grammar school so that it will no longer have selective admission arrangements are published under any of those sections of the Education Act 1996.

(2) Where such proposals fall to be implemented by virtue of sections 40, 45 or 263 of the Education Act 1996 or paragraph 5 of Schedule 6 to the Act (whether or not also by virtue of any saving or transitional provisions made in connection with the coming into force of any provision of the Act) paragraphs (3) to (5) shall apply, and in those paragraphs —

“the disregarded school” means the school in respect of which the proposals fall to be implemented; and

“the relevant date” means the date on which the proposals were approved by the Secretary of State under sections 37, 43 or 261 of the Education Act 1996 or, as the case may be, the date on which the local education authority determined under section 38 of that Act to implement the proposals.

(3) Where the disregarded school is a stand alone grammar school and a petition for a feeder school ballot which relates to that school is received after the relevant date the petition shall not be a valid petition.

(4) Where the disregarded school is a grammar school in a group of grammar schools and a petition for a feeder school ballot which relates to that group is received after the relevant date, the petition shall be treated as relating to the group of grammar schools excluding the disregarded school and accordingly—

- (a) a school registered parent shall not be a relevant eligible parent in accordance with regulation 9(1) to (5) unless he has at least one child, who does not fall to be disregarded under regulation 4(6), who is a pupil at a school which is a feeder school for the group excluding the disregarded school; and
- (b) registered parents at any school which was a feeder school for the group including the disregarded school but is not a feeder school for the group excluding the disregarded school shall not be included in the parent population for the purpose of regulation 7(5).

(5) Where the ballot result date of an area ballot is after the relevant date the ballot shall not relate to the disregarded school.

(6) Where, on the date on which section 104(4)(b) comes into force, a decision has not been taken by the Secretary of State as to whether to approve proposals to which this regulation applies or, as the case may be, a determination has not been made by the local education authority as to whether to implement such proposals, the proposals shall be treated as if they had been withdrawn.

(7) Where, on the date on which section 104(4)(b) of the Act comes into force, proposals to which this regulation applies fall to be implemented by virtue of any of the provisions referred to in paragraph (2), section 104(4)(b) of the Act shall not apply in relation to such proposals.