



Education Act 1996

1996 CHAPTER 56

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

CHAPTER I

SCHOOL ADMISSIONS

Admission arrangements for county and voluntary schools

412 Consultation as to admission arrangements.

- (1) Where the governing body of a county or voluntary school are responsible for determining the arrangements for the admission of pupils to the school, they shall—
 - (a) consult the local education authority before determining, or varying, any of those arrangements, and
 - (b) at least once in every school year, consult the local education authority as to whether those arrangements are satisfactory.
- (2) Where the local education authority are responsible for determining the arrangements for the admission of pupils to a county or voluntary school, they shall—
 - (a) consult the governing body before determining, or varying, any of those arrangements, and
 - (b) at least once in every school year, consult the governing body as to whether those arrangements are satisfactory.

413 Admission arrangements to preserve character of aided or special agreement school.

- (1) If the governing body of an aided or special agreement school so request, the local education authority shall make with the governing body arrangements in respect of

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the admission of pupils to the school for preserving the character of the school; and, in default of agreement between the authority and the governing body, the terms of any such arrangements shall be determined by the Secretary of State.

- (2) If one of the parties to arrangements under subsection (1) proposes that the arrangements should be modified or replaced by substitute arrangements but the other party does not agree, the party making the proposal may refer the matter to the Secretary of State.
- (3) On a reference under subsection (2), the Secretary of State may direct—
 - (a) that the arrangements shall remain as they are;
 - (b) that they shall be modified or replaced as proposed; or
 - (c) that they shall be modified in such other manner, or replaced by such other substitute arrangements, as may be specified in the direction.
- (4) Where the Secretary of State directs as mentioned in subsection (3)(b) or (c), the modification or, as the case may be, the substitute arrangements shall have effect, from such date as may be specified in the direction, as if agreed between the parties.

Modifications etc. (not altering text)

C1 S. 413 continued to have effect (31.8.1999) by S.I. 1999/1016, art. 6, Sch. 4 para. 12 (as added by S.I. 1999/2484, art. 2(4))

[^{F1}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;

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.

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- (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.]

Textual Amendments

F1 S. 413A inserted (*prosp.*) by 1997 c. 44, ss.13, 58(3) (with s. 57(3)).

[^{F2}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, 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.

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- (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.]

Textual Amendments

F2 S. 413B inserted (*prosp.*) by 1997 c. 44, ss.13, 58(3)(4) (with s. 57(3))

414 Information as to schools and admission arrangements.

- (1) A local education authority shall, for each school year, publish particulars of—
- (a) the arrangements for the admission of pupils to schools maintained by the authority other than aided or special agreement schools,
 - (b) the authority’s arrangements for the provision of education at schools maintained by another local education authority or not maintained by a local education authority, and
 - (c) the arrangements made by the authority under sections 411(1) and 423(1) (admission appeals).
- (2) The governing body of an aided or a special agreement school shall, for each school year, publish particulars of—
- (a) the arrangements for the admission of pupils to the school, and
 - (b) the arrangements made by them under section 423(2) (admission appeals).
- (3) The particulars to be published under subsections (1)(a) and (2)(a) shall include particulars of—
- (a) in the case of each school to which the arrangements relate, the admission number applicable in each school year in relation to the age group in which pupils are normally admitted (or, if there is more than one such group, the admission number so applicable in relation to each such group),
 - (b) the respective admission functions of the local education authority and the governing body,
 - (c) the policy followed in deciding admissions, and
 - (d) the arrangements made in respect of pupils not belonging to the area of the local education authority.
- (4) In subsection (3)(a) references to the admission number applicable in a school year in relation to an age group are to—
- (a) the standard number applying under sections 417 to 420 to the school in question in relation to that age group and year, or

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- (b) the admission number fixed in relation to the school in accordance with section 416 for that age group and year, whichever is the greater.
- (5) The particulars to be published under subsection (1)(b) shall include particulars of—
- (a) the criteria for offering places at schools not maintained by a local education authority, and
 - (b) the names of, and number of places at, any such schools in respect of which the authority have standing arrangements.
- (6) The governing body of a school maintained by a local education authority—
- (a) shall publish such information as respects that school as may be required by regulations; and
 - (b) may publish such other information with respect to the school as they think fit.
- (7) For the purposes of this section information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.
- (8) A local education authority may, with the agreement of the governing body of any school maintained by the authority, publish on behalf of the governing body the particulars or information referred to in subsection (2) or (6) above.
- (9) References in this section to publication are references to publication at such time or times and in such manner as may be required by regulations.

Modifications etc. (not altering text)

C2 S. 414 continued to have effect (31.8.1999) by S.I. 1999/1016, art. 6, Sch. 4, para. 12 (as inserted 31.8.1999) by S.I. 1999/2484, art. 2(4))

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