



# Education Act 1996

## 1996 CHAPTER 56

### PART VI

#### SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

#### CHAPTER I

#### SCHOOL ADMISSIONS

#### *Parental preferences*

#### **411 Parental preferences.**

- (1) A local education authority shall make arrangements for enabling the parent of a child in the area of the authority—
  - (a) to express a preference as to the school at which he wishes education to be provided for his child in the exercise of the authority's functions, and
  - (b) to give reasons for his preference.
- (2) Subject to subsection (3) [<sup>F1</sup>, section 411A (pupils excluded from two or more schools),][section 413B(3) (home-school partnership documents)]and section 430(2) (co-ordinated admission arrangements), a local education authority and the governing body of a county or voluntary school shall comply with any preference expressed in accordance with arrangements made under subsection (1).
- (3) The duty imposed by subsection (2) does not apply—
  - (a) if compliance with the preference would prejudice the provision of efficient education or the efficient use of resources;
  - (b) if the preferred school is an aided or a special agreement school and compliance with the preference would be incompatible with any arrangements between the governing body and the local education authority made under section 413; or

*Status: Point in time view as at 01/09/1998.*

*Changes to legislation: Education Act 1996, Cross Heading: Parental preferences is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [<sup>F2</sup>(c) if the arrangements for admission to the preferred school—
- (i) are wholly based on selection by reference to ability or aptitude, and
  - (ii) are so based with a view to admitting only pupils with high ability or with aptitude,
- and compliance with the preference would be incompatible with selection under those arrangements.]
- [<sup>F3</sup>(3A) For the purposes of subsection (3)(a) prejudice of the kind referred to in that provision may arise by reason of any qualifying measures.]
- (4) Where the arrangements for the admission of pupils to a school maintained by a local education authority provide for applications for admission to be made to (or to a person acting on behalf of) the governing body of the school, a parent who makes such an application shall be regarded for the purposes of subsection (2) as having expressed a preference for that school in accordance with arrangements made under subsection (1).
- (5) The duty imposed by subsection (2) in relation to a preference expressed in accordance with arrangements made under subsection (1) shall apply also in relation to—
- (a) any application for the admission to a school maintained by a local education authority of a child who is not in the area of the authority, and
  - (b) any application made by a parent as mentioned in section 438(4) or 440(2) (application for a particular school to be specified in a school attendance order);
- and references in subsection (3) to a preference and a preferred school shall be construed accordingly.
- (6) No prejudice shall be taken to arise for the purposes of subsection (3)(a) from the admission to a county or voluntary school in a school year of a number of pupils in a relevant age group which does not exceed—
- (a) the relevant standard number, or
  - (b) the admission number fixed in accordance with section 416,
- whichever is the greater.
- (7) In this Chapter “the relevant standard number”, in relation to a county or voluntary school, a relevant age group and a school year, means the standard number applying under sections 417 to 420 to the school in relation to that age group and year.
- (8) In [<sup>F4</sup>this Chapter (apart from sections 431 to 433)]“child” includes a person who has not attained the age of 19.
- [<sup>F5</sup>(9) Where the arrangements for the admission of pupils to a school provide for all pupils admitted to the school to be selected by reference to ability or aptitude, those arrangements shall be taken for the purposes of this Chapter to be wholly based on selection by reference to ability or aptitude, whether or not they also provide for the use of additional criteria in circumstances where the number of children in a relevant age group who are assessed to be of the requisite ability or aptitude is greater than the number of pupils which it is intended to admit to the school in that age group.]
- [<sup>F6</sup>(10) In this Chapter “qualifying measures”, in relation to the admission of a child to a school, means measures required to be taken (whether in the school year in which the admission would take place or in any subsequent school year) in order to ensure compliance with the duty imposed by section 1(6) of the School Standards and Framework Act 1998 (duty of local education authority and governing body to comply with limit on class sizes).]

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#### Textual Amendments

- F1** Words in s. 411(2) inserted (1.9.1997 in respect of the words ",section 411A" to schools)," otherwise prosp.) by 1997 c. 44, s. 57(1), **Sch. 7 para. 31(2)**; S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II**
- F2** S. 411(3)(c) substituted (1.9.1997) by 1997 c. 44, s. 10; S.I. 1997/1468, art. 292), Sch. 1 Pt. II
- F3** S. 411(3A) inserted (1.9.1998) by S.I. 1998/1948, reg. 3, **Sch. para. 1(2)(4)**
- F4** Words in s. 411(8) substituted (1.9.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 31(3)**; S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II**
- F5** S. 411(9) inserted (1.9.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 31(4)**; S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II**
- F6** S. 411(10) inserted (1.9.1998) by S.I. 1998/1948, reg. 3, **Sch. para. 1(3)(4)**

#### Modifications etc. (not altering text)

- C1** S. 411 modified (1.9.1998)(*temp.*) by S.I. 1998/1948, reg. 3, **Sch. para. 1**
- C2** Power to restrict s. 411(6) conferred (24.7.1998) by 1998 c. 31, s. 144, **Sch. 32 Pt. II para. 6(1)(a)** (with ss. 138(9), 144(6))

#### [411A <sup>F7</sup> **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—
  - (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.]

#### Textual Amendments

- F7** S. 411A inserted (1.9.1997) by 1997 c. 44, s.11 (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

**Status:**

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