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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 33B

#### RESTRICTIONS ON ADMISSIONS TO GRANT-MAINTAINED SCHOOLS]

##### Textual Amendments

- F1** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4 and otherwise prosp.) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468. art. 2(2), Sch. 1 Pt.II

##### <sup>F2</sup> Home-school partnership documents

##### Textual Amendments

- F2** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4 and otherwise prosp.) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468. art. 2(2), Sch. 1 Pt.II

- <sup>F31</sup> (1) The admission arrangements for a grant-maintained 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 governing body 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 governing body 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 paragraph and paragraph 2 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 sub-paragraph (1), the governing body 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 sub-paragraph (4) may apply to any school or description of school specified in the order.
- (6) In this paragraph and paragraph 2—
  - “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 governing body a signed parental declaration.

**Textual Amendments**

**F3** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4 and otherwise prosp.) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468. art. 2(2), Sch. 1 Pt.II

*<sup>F4</sup> Effect of home-school partnership document*

**Textual Amendments**

**F4** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4 and otherwise prosp.) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468. art. 2(2), Sch. 1 Pt.II

- <sup>F52</sup>
- (1) This paragraph applies where the admission arrangements for a grant-maintained school include the provisions authorised by paragraph 1(1).
  - (2) The governing body 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 paragraph 1(1)(b) and (c).
  - (3) Where sub-paragraph (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 paragraph 1(1)(b), and
    - (b) the governing body are not satisfied that there are special reasons for dispensing with that condition to the required extent in the case of that child, the governing body shall not be under any duty to admit the child to the school; and, if he has been allocated a conditional place, the allocation of that place may be cancelled.
  - (4) In sub-paragraph (3) the reference to dispensing with the condition mentioned in that sub-paragraph “to the required extent”—

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- (a) is, where the parent gives the governing body 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 paragraph the governing body 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

**F5** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4 and otherwise prosp.) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468, art. 2(2), Sch. 1 Pt.II

#### *<sup>F6</sup>Restriction of right to refuse admission to partially-selective school*

#### Textual Amendments

**F6** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468, art. 2(2), Sch. 1 Pt.II

- <sup>F7</sup>3 (1) An application for the admission of a child to a grant-maintained school may not be refused on the grounds that his admission would be incompatible with the school's selective admission arrangements unless those arrangements—
- (a) are wholly based on selection by reference to ability or aptitude, and
  - (b) are so based with a view to admitting only pupils with high ability or with aptitude.
- (2) For the purposes of this paragraph a school has selective admission arrangements if the arrangements for the admission of pupils to the school are to any extent based on selection by reference to ability or aptitude.

#### Textual Amendments

**F7** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468, art. 2(2), Sch. 1 Pt.II

#### *<sup>F8</sup>No requirement to admit children permanently excluded from two or more schools*

#### Textual Amendments

**F8** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468, art. 2(2), Sch. 1 Pt.II

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- <sup>F9</sup>4 (1) The governing body of a grant-maintained school shall not be under any duty to admit to the school any child to whom sub-paragraph (3) applies.
- (2) The governing body of such a school shall not be under any duty to make arrangements for enabling any person to appeal against a decision refusing a child admission to the school in a case where, at the time when the decision is made, sub-paragraph (3) applies to the child.
- (3) Where a child has been permanently excluded from two or more schools, this sub-paragraph applies to him during the period of two years beginning with the date on which the latest of those exclusions took effect.
- (4) Sub-paragraph (3) 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.
- (5) However, a child shall not be regarded as permanently excluded from a school for the purposes of this paragraph 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.
- (6) In this paragraph “school” means—
- (a) a school maintained by a local education authority; or
  - (b) a grant-maintained or grant-maintained special school.
- (7) This paragraph does not apply in relation to a child unless at least one of the two or more exclusions mentioned in sub-paragraph (3) took effect on or after the date of the coming into force of section 14 of the Education Act 1997.
- (8) For the purposes of this paragraph 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**

**F9** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468, art. 2(2), Sch. 1 Pt.II

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