



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) 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Status: This is the original version (as it was originally enacted).

- (c) if the arrangements for admission to the preferred school are based wholly or partly on selection by reference to ability or aptitude and compliance with the preference would be incompatible with selection under the arrangements.
- (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 this section “child” includes a person who has not attained the age of 19.