

*Draft Regulations laid before Parliament under section 138(5) of the School Standards and Framework Act 1998 for approval by a resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

**EDUCATION, ENGLAND AND WALES**

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

<i>Made</i>	- - - -	<i>1998</i>
<i>Coming into force</i>	- -	<i>1998</i>

In exercise of the powers conferred on the Secretary of State by sections 105, 108(2), 138(7) and 144 of the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Education and Employment hereby makes the following Regulations, a draft of which has been laid before, and approved by a resolution of, each House of Parliament.

**PART I**  
**PRELIMINARY**

**Citation and commencement**

1. These Regulations may be cited as the Education (Grammar School Ballots) Regulations 1998 and shall come into force on the fourteenth day after the day on which they are made.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the School Standards and Framework Act 1998;

“area ballot” has the meaning given in regulation 11(2);

“ballot registered parent” means a parent who is an eligible parent by virtue of regulation 4(1)(c);

“ballot result date” means the date on which the designated body give the notification of the result of a ballot under regulation 14(5);

“designated body” has the meaning given in regulation 3;

“electoral list” for a school means, subject to regulation 19(5), a list of the names and addresses of the registered parents of registered pupils at the school other than—

- (a) a registered parent falling within regulation 4(3);
- (b) a registered parent whose only child at the school in question is a pupil who falls to be disregarded under regulation 4(4) or (6); or
- (c) where the school is an independent school situated in a relevant area, a registered parent who is not resident in that area;

“eligible parent” has the meaning given in regulation 4;

“feeder school” has the meaning given in regulation 6;

“feeder school ballot” has the meaning given in regulation 11(2);

“governing body”, in relation to a nursery school maintained by a local education authority or a pupil referral unit, means the local education authority which maintains that school or unit;

“group of grammar schools” means one of the groups of grammar schools specified in Schedule 2 (maintained by the local education authority specified in the right hand column of Schedule 2 or, where the school is a grant-maintained school, situated in the area of that authority);

“moratorium period” for any relevant area, group of grammar schools or stand alone grammar school means the period referred to in regulation 16 as it applies to that area, group or school;

“petition for an area ballot” and “petition for a feeder school ballot” have the meanings given in regulation 7(3);

“petition organiser” has the meaning given in regulation 8(5);

“petition period” means—

- (a) the period from the date on which these Regulations come into force until 31st July 1999; and
- (b) each subsequent period from 1st September in one year to 31st July in the next year;

“registered” except in regulation 5 and in the context of parents registered under regulation 5, means shown in the register kept under section 434 of the Education Act 1996<sup>(2)</sup> and the Education (Pupil Registration) Regulations 1995<sup>(3)</sup> and “register” shall be construed accordingly;

“relevant area” means—

- (a) the area of a local education authority specified in Schedule 1, and
- (b) the area comprising the London borough of Sutton and the Nonsuch ward in the county of Surrey;

“relevant school”, in relation to a petition or ballot, means—

- (a) in the case of an area ballot or petition for such a ballot, a school referred to in regulation 4(1)(a) or (b) in relation to the area in question, and
- (b) in the case of a feeder school ballot or petition for such a ballot, a school which is a feeder school for the group of grammar schools or, as the case may be, the stand alone grammar school in question;

“school registered parent” means a parent who is an eligible parent by virtue of regulation 4(1)

- (a) or (b) or (2);

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(2) 1996 c. 56.

(3) S.I.1995/2089.

“stand alone grammar school” means a grammar school specified in Schedule 3 (maintained by the local education authority specified in the right hand column of Schedule 3 or, where the school is a grant-maintained school, situated in the area of that authority);

“summer holidays”, in relation to any school, means a holiday period any part of which falls between 31st July and 1st September;

“transfer age group” means—

- (a) for a grammar school, the highest relevant age group (within the meaning of section 142(1) of the Act) for that grammar school, disregarding any relevant age group in which the majority of the pupils admitted to the school are over compulsory school age; and
- (b) for a group of grammar schools, the highest of the transfer age groups for the grammar schools in the group; and

“valid petition” has the meaning given in regulation 7(1).

(2) Any reference in these regulations to a ballot being in favour of retaining selective admission arrangements is a reference to the result of a ballot being that the school or schools to which the ballot relates should retain selective admission arrangements.

(3) For the purpose of these regulations the date of an electoral list is the date on which the register by reference to which the electoral list is compiled has effect (and is, accordingly, the date referred to in regulation 19(4)).

### **Designation of body**

3. The Electoral Reform (Ballot Services) Ltd. is prescribed for the purposes of section 105(3) (c) of the Act and that body is referred to in these Regulations as “the designated body”.

### **Meaning of “eligible parent”**

4.—(1) Subject to paragraphs (3) to (5) below, in relation to an area ballot or a petition for such a ballot a person is an “eligible parent” on any date if—

- (a) on that date the person is a registered parent of a child who is a registered pupil at a school—
  - (i) maintained(4) by the local education authority for the relevant area in question, or
  - (ii) (where the area is that falling within paragraph (b) of the definition of relevant area) maintained by the council of the London borough of Sutton or maintained by a local education authority and situated in the Nonsuch ward in the county of Surrey;
- (b) on that date the person is resident in the relevant area in question and is a registered parent of a child who is a registered pupil at an independent school situated in the area; or
- (c) on that date the person is a parent who does not fall within sub-paragraph (a) or (b), is resident in the relevant area in question and is the parent of a child who—
  - (i) is a pupil at a school (whether it is maintained by a local education authority, a special school not maintained by a local education authority or an independent school), or
  - (ii) is being educated otherwise than at school, or
  - (iii) has not begun to be of compulsory school age,and who is registered with the designated body under regulation 5 below.

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(4) By virtue of section 105(10) of the Act a grant-maintained school is for the purposes of sections 105—107 of the Act and hence for the purposes of these Regulations treated, until 1st September 1999 (which is the appointed day for the purposes of the Act), as maintained by a local education authority and maintained by the authority in which it is situated.

(2) Subject to paragraphs (3) and (6) below, in the context of a feeder school ballot or a petition for such a ballot a person is an eligible parent on any date if that person is a parent of a child who is a pupil at a feeder school for the stand alone grammar school or group of grammar schools in respect of which the ballot is being held or the petition raised.

(3) A parent of the following description is not an eligible parent—

- (a) a parent falling within paragraph (1)(a) or (2) who on the date in question is resident outside the United Kingdom, or
- (b) a parent who is not an individual.

(4) A child of a parent falling within paragraph (1)(a), (b) or (c)(i) shall be disregarded for the purposes of that paragraph if he is over compulsory school age on the date in question.

(5) A child of a parent falling within paragraph (1)(c) (ii) shall be disregarded for the purposes of that paragraph if the child is over 16 on the date in question.

(6) A child of a parent falling within paragraph (2) shall be disregarded for the purposes of that paragraph if, on the date in question he is over the transfer age group for the group of grammar schools or stand alone grammar school in question.

(7) In this regulation—

- (a) a parent's residence for the purpose of paragraph (1)(b) shall be determined by reference to the address contained in the admission register required to be kept by the Education (Pupil Registration) Regulations 1995; and
- (b) a parent's residence for the purpose of paragraph (1)(c) shall be determined by the designated body.

### **Registration with the designated body**

5.—(1) Where—

- (a) a person makes a written application to the designated body to register under this regulation, and
- (b) the designated body is satisfied that the person falls within regulation 4(1)(c) in relation to any relevant area,

the designated body shall register that person in relation to that area.

(2) The designated body may require an applicant for registration to provide such information or documents as the designated body may determine in order for the designated body to determine whether the person falls within regulation (4)(1)(c) and may decline to accept an application for registration unless such information or documents are provided.

(3) Where a person applies for registration under paragraph (1), registration takes effect on the date on which the designated body notify the applicant that they have determined that the person falls within regulation 4(1)(c).

(4) Where the designated body are satisfied (after making such enquiries as they think fit) that a person no longer falls within regulation 4(1)(c) they shall remove that person from the register on such date as they determine.

(5) Subject to regulation 22(2), if the designated body have given the notification required by regulation 10(1) that a valid petition relating to the area has been received, a person shall not be registered in relation to that area after the date 4 weeks after the date of such 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 the area.

### Meaning of “feeder school”

6.—(1) For the purposes of these Regulations—

- (a) in any school year the feeder schools for a group of grammar schools are each school from which at least 5 pupils have transferred to the group of grammar schools (taken together) during the relevant period; and
- (b) in any school year the feeder schools for a stand alone grammar school are each school from which at least 5 pupils have transferred to the grammar school during the relevant period.

(2) In determining for the purpose of this regulation the number of pupils who have transferred from a school to a grammar school in any school year, pupils who were over the age of the transfer age group for the grammar school when they transferred to the grammar school shall be disregarded.

(3) In this regulation “relevant period” means the period consisting of the school year in question and the two preceding school years.

(4) For the purposes of this regulation where a grammar school was established in substitution for an independent school the grammar school and the independent school shall be treated as the same school.

## PART II

### PETITIONS FOR A BALLOT

#### Petitions for a ballot—general

7.—(1) No ballot shall be held under these Regulations unless a request for a ballot is made by means of a petition sent to the designated body which satisfies the requirements of paragraphs (3) to (5) and regulation 8(1) to (5) (but subject to regulations 8(6) and 23(3)) (in these regulations referred to as a “valid petition”).

(2) The designated body shall determine whether a petition is a valid petition.

(3) A petition shall relate to—

- (a) all grammar schools within a relevant area,
- (b) a group of grammar schools, or
- (c) a stand alone grammar school,

and a petition which relates to a relevant area is referred to in these Regulations as a petition for an area ballot and a petition which relates to a group of grammar schools or a stand alone grammar school is referred to as a petition for a feeder school ballot.

(4) A petition must be received by the designated body during a petition period.

(5) Subject to paragraph (6) a petition must be signed by a number of relevant eligible parents which, when taken together with the number of relevant eligible parents who have signed any previous petition relating to the same area, group of grammar schools or stand alone grammar school which has been received by the designated body during the same petition period, is at least 20% of the parent population.

(6) If a parent signs a petition on a date before the beginning of the petition period in which the petition is received, the parent’s signature shall be disregarded for the purposes of paragraph (5).

(7) For the purpose of paragraph (5)—

- (a) the question of whether an eligible parent is a “relevant” eligible parent shall be determined in accordance with regulation 9(1) to (6);

- (b) “the parent population” shall be determined in accordance with regulation 9(7);
- (c) if the same parent signs a petition more than once or signs more than one petition relating to the same area, group of grammar schools or stand alone grammar school in any petition period, any signature in excess of one shall be disregarded; and
- (d) where a parent signs a petition but the information referred to in regulation 8(3) is not included, or not included in a legible form, that parent’s signature shall be disregarded.

### **Form of petition**

8.—(1) A petition shall on each sheet state—

- (a) the grammar school or schools to which it relates; and
- (b) where it is a petition for an area ballot, the relevant area in question.

(2) A petition shall, on each sheet, contain the following words:—

“We the undersigned, being eligible parents, seek a ballot on whether those listed schools which select by academic ability should continue to do so.”

(3) In relation to each parent who signs a petition the following information shall be given—

- (a) the first name and surname and address of the parent;
- (b) in the case of a petition for an area ballot—
  - (i) the name of the parent’s child or, where the parent has more than one child, the name of at least one of the parent’s children who, at the date on which the petition is signed, is of compulsory school age (where the child is a pupil at a school) or is aged 16 or under (where the child is educated otherwise than at school); and
  - (ii) the name of the school which the child named in the petition is attending or, where the child does not attend a school, a statement to that effect; or
- (c) in the case of a petition for a feeder school ballot—
  - (i) the name of a child of that parent who is a pupil at a school which is a feeder school for the group of grammar schools or, as the case may be, the stand alone grammar school to which the petition relates who, at the date on which the petition is signed, is of compulsory school age; and
  - (ii) the name of the school which the child named in the petition is attending; and
- (d) the date on which the parent signs the petition.

(4) A petition shall, on each sheet contain a statement to the effect that a person signing it confirms that the information given in relation to that person is true and correct.

(5) The petition shall give the name and address of the person (in these Regulations referred to as the “petition organiser”) to whom notification should be given as to whether the petition is valid.

(6) Where the designated body has given the notification required by regulation 10(1) that a valid petition has been received, any subsequent petition relating to the same relevant area, group of grammar schools or stand alone grammar school shall not be valid unless—

- (a) the subsequent ballot is in favour of retaining selective admission arrangements; and
- (b) no person signs it before the end of the moratorium period for the area, group of grammar schools or stand alone grammar school.

### **Meaning of “relevant eligible parent” and “parent population”**

9.—(1) A parent is a relevant eligible parent if he is a school registered parent at the date of the electoral list referred to in one of paragraphs (2) to (5) as appropriate.

(2) Where none of the paragraphs (3) to (5) apply the electoral list referred to in paragraph (1) is that for the current term.

(3) If—

- (a) at the time when the petition is received by the designated body they have not obtained the electoral list for the current term for the relevant school by reference to which a person is a school registered parent, and
- (b) in the light of the date on which the petition is received they do not anticipate that they will be able to do so during that term,

the electoral list referred to in paragraph (1) is that for the next term after the current term for which a list is provided to the designated body.

(4) If—

- (a) at the time when the petition is received by the designated body they have not obtained the electoral list for the current term for the relevant school by reference to which a person is a school registered parent, and
- (b) (despite a request under regulation 19(4)) the designated body does not receive an electoral list for the current term but receives an electoral list for a later school term,

the electoral list referred to in paragraph (1) is the electoral list for the later term.

(5) If—

- (a) paragraph (3) does not apply in respect of the relevant school by reference to which a person is a school registered parent, but
- (b) paragraph (3) applies in respect of another relevant school, and
- (c) as a result of the operation of paragraph (3) in respect of that school, the electoral list which applies for the purposes of paragraph (1) is that for the school term after the summer holidays,

the electoral list referred to in paragraph (1) is the electoral list for the school term starting after the summer holidays or where (despite a request under regulation 19(4)) the designated body does not receive that list but receives a list for a later school term, the electoral list for the later school term.

(6) A parent is also a relevant eligible parent if he is a ballot registered parent on the date on which the petition is received by the designated body.

(7) For the purposes of regulation 7(7) “the parent population” means—

- (a) in the case of an area ballot, the total of school registered parents; and
- (b) in the case of a feeder school ballot, the total of eligible parents,

in the case at the date determined under paragraph (8).

(8) The date referred to in paragraph (7) is—

- (a) except in the circumstances described in sub-paragraph (b), the date of the first electoral list provided to the designated body for each relevant school for the petition period during which the petition is received, provided that if paragraph (4) applies in relation to any school and an electoral list is not provided to the designated body for that petition period, the date of the electoral list actually provided in relation to the petition in question shall, in relation to that school, be substituted for the date of the first electoral list for the petition period; and
- (b) where paragraph (3) applies in relation to at least one school and, as a result of its application, the electoral list or lists which apply for the purpose of determining whether a parent is a relevant eligible parent is that for the school term after the summer holidays, the date of the first electoral list provided to the designated body for each relevant school for the next petition period.

and in this paragraph an electoral list provided “for” a particular petition period is an electoral list the date of which falls within the petition period in question.

(9) In calculating, for the purposes of paragraph (7), the total of school registered parents or eligible parents each parent shall count only once (irrespective of the number of children a parent may have or the number of schools they attend).

(10) In this regulation—

“the current term” in relation to any school, is the term in which the date on which the petition is received falls, or

- (a) where that date falls in any school holidays, the most recent term, except where sub-paragraph (b) applies; and
- (b) where that date falls in the summer holidays, the subsequent term, except in a case where on that date the designated body has obtained an electoral list for that school for the term ending before the summer holidays; and

“the first electoral list” for any petition period means the electoral list obtained by the designated body on the first occasion in any petition period on which it obtains such a list whether in compliance with its obligations under regulation 18 below or in order to determine the validity of a petition,

and any reference to an electoral list for a particular term is a reference to the electoral list obtained by the designated body for that term whether in compliance with its obligations under regulation 18 or in order to determine the validity of a petition.

### **Notification of result of petition**

**10.**—(1) Where the petition is a valid petition the designated body shall notify the persons referred to in paragraph (2) of this fact and that a ballot will be held.

(2) The persons to be notified are—

- (a) the local education authority which maintains the grammar school or schools to which the petition relates;
- (b) if different, the local education authority in which such grammar school or schools is situated;
- (c) the Secretary of State;
- (d) the petition organiser;
- (e) (when established) the school organisation committee (within the meaning of section 24(4) of the Act) for the area of the local education authority referred to in sub-paragraph (a) and (if applicable) sub-paragraph (b);
- (f) the governing body of each grammar school to which the petition relates;
- (g) where the petition was a petition for an area ballot the governing body or proprietor of each other relevant school in relation to the area; and
- (h) where the petition was a petition for a feeder school ballot, the governing body or proprietor of each feeder school for the group of grammar schools or stand alone grammar school (as the case may be).

(3) Where the petition is not a valid petition the designated body shall notify the persons referred to in paragraph (2)(a) to (d) and (f).



## PART III

### BALLOTS

#### Ballots—general

11.—(1) A ballot under section 105 of the Act shall (depending on the terms of the petition) be—

- (a) a ballot which relates to all grammar schools within a relevant area; or
- (b) a ballot which relates to a group of grammar schools; or
- (c) a ballot which relates to a stand alone grammar school.

(2) A ballot falling within paragraph 1(a) is referred to in these Regulations as an “area ballot” and a ballot falling within paragraph 1(b) or 1(c) is referred to in these Regulations as a “feeder school ballot”.

#### Eligibility to vote in a ballot

12.—(1) Subject to regulation 22(3), the persons eligible to vote in a ballot are—

- (a) the persons who were “relevant eligible parents” for the purposes of the petition by virtue of being school registered parents, and
- (b) where the ballot is an area ballot (in addition) all persons who are ballot registered parents on a date 4 weeks after the designated body gave the notification required by regulation 10(1).

#### Question on which ballot is to be held

13.—(1) Where the ballot is an area ballot or a feeder school ballot which relates to a group of grammar schools each ballot paper shall include the following wording—

“Are you in favour of all the schools listed introducing admission arrangements which admit children of all abilities?”

Place a cross (X) in the box of your choice.

YES  NO

(2) Where the ballot is a feeder school ballot which relates to a stand alone grammar school each ballot paper shall include the following wording—

“Are you in favour of [here give name of school] introducing admission arrangements which admit children of all abilities?”

Place a cross (X) in the box of your choice.

YES  NO

#### Ballots—supplementary

14.—(1) Each ballot shall be a secret postal ballot.

(2) Each ballot paper shall include a list of the grammar schools to which it relates.

(3) Each parent who falls within regulation 12 shall have one vote (irrespective of the number of children which a parent may have and the number of schools they attend).

(4) The designated body shall secure that, subject to regulation 22(4), the date by which ballot papers must be returned to them shall be—

- (a) no later than 10 weeks from the date on which the designated body gave the notification required by regulation 10(1); and
- (b) at least 5 weeks from the date on which ballot papers were sent to parents (or if ballot papers were sent on more than one date, the last such date).

(5) Where the designated body have determined the result of a ballot they shall forthwith notify the persons mentioned in regulation 10(2) of that fact, and, where the ballot is in favour of retaining selective admission arrangements, the date on which the moratorium period will expire.

### **Declaring a ballot void**

15.—(1) Subject to paragraph (2) below the Secretary of State may declare a ballot void if it appears to him that—

- (a) any requirement of these regulations has been contravened in the case of a ballot held in purported compliance with these regulations;
- (b) an authority or body referred to in section 107(2) of the Act have acted in contravention of that section;
- (c) persons other than those falling within regulation 12 or, as the case may be, regulation 22(3) have purported to vote in the ballot;
- (d) persons who fall within regulation 12 or, as the case may be, regulation 22(3) have been prevented from voting or hindered from doing so freely in accordance with their own opinion by any other person; or
- (e) material has been provided, or meetings have been held, in a manner which does not comply with the principles for the production of such material or the standards for the holding of such meetings or debates contained in the Ballot Information Code specified in Schedule 4

and that voting in a ballot is likely to have been influenced to a significant extent as a result of any of those matters.

(2) Paragraph (1) shall not apply unless before the date which is two weeks after the ballot result date any person or body referred to in paragraph (3) have requested the Secretary of State in writing to exercise his powers under paragraph (1), specifying the reason for such a request and the grounds on which the powers under paragraph (1) may be exercisable.

(3) The persons or bodies mentioned in paragraph (2) are—

- (a) the designated body;
- (b) the local education authority which maintains the grammar school to which the ballot relates, or, where the ballot was an area ballot and the area is one falling in paragraph (b) of the definition of “relevant area”, either of the local education authorities referred to in that definition;
- (c) in a case of an area ballot, the governing body or the proprietor of any relevant school;
- (d) in the case of a feeder school ballot, the governing body of any grammar school to which the ballot relates or the governing body or proprietor of any feeder school for the group of grammar schools or stand alone grammar school;
- (e) any 20 or more parents who were eligible to vote in the ballot.

(4) Where a request is received under paragraph (3), the Secretary of State shall notify the governing body of each grammar school to which the ballot relates and the local education authority.

(5) Where a request is received under paragraph (3), but the Secretary of State determines not to declare a ballot void he shall notify the persons or body who made the request, the governing body of each grammar school to which the ballot relates, and the local education authority.

(6) Where the Secretary of State declares a ballot void he shall notify the persons mentioned in regulation 10(2) of that fact.

(7) Where the Secretary of State declares a ballot void, a fresh ballot shall be held in accordance with this Part (and accordingly the persons who are eligible to vote in such a ballot shall be the persons who in accordance with regulation 12 or, as the case may be, regulation 22(3), were eligible to vote in the ballot which was declared void) but regulation 14(4)(a) shall have effect as if it provided that the designated body should secure that the date by which ballot papers must be returned is no later than 10 weeks from the date of the notification under paragraph (6) above.

#### **“Moratorium” on further ballots**

**16.—**(1) Where the result of a ballot is that the schools or school to which the ballot relates should retain selective admission arrangements, no further ballot shall be held relating to the same area, group of grammar schools or stand alone grammar school within the period of 5 years from the ballot result date.

(2) This regulation is without prejudice to regulation 8(6).

## **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.

SCHEDULE 1

Regulation 2(1)

LOCAL EDUCATION AUTHORITIES THE AREAS OF WHICH ARE RELEVANT AREAS UNDER PARAGRAPH (a) OF THE DEFINITION OF “RELEVANT AREA”

- Bexley
- Buckinghamshire
- Kent
- Lincolnshire
- Medway Towns
- Slough
- Southend
- Torbay
- Trafford

SCHEDULE 2

Regulation 2(1)

GROUPS OF GRAMMAR SCHOOLS

		LEA area
Group:	Queen Elizabeth’s School	Barnet
	St Michael’s Catholic Grammar School	
	The Henrietta Barnett School	
Group:	Bishop Vesey’s Grammar School	Birmingham
	Sutton Coldfield Girls' School	
Group:	Handsworth Grammar School	Birmingham
	King Edward VI Aston School	
	King Edward VI Camp Hill Girls' School	
	King Edward VI Camp Hill School (Boys)	
	King Edward VI Five Ways School	
	King Edward VI Handsworth School	
Group:	Bournemouth School	Bournemouth
	Bournemouth School for Girls (GM)	
Group:	Cotham Grammar School	Bristol



		LEA area
	Fairfield Grammar School	
Group:	Newstead Woods School for Girls (GM)	Bromley
	St Olave's and St Saviour's Grammar School	
Group:	Crossley Heath School	Calderdale
	The North Halifax Grammar School	
Group:	King Edward VI Grammar School (GM)	Essex
	Chelmsford County High School for Girls	
Group:	Colchester County High School for Girls	Essex
	Colchester Royal Grammar School	
Group:	Stroud High School	Gloucestershire
	Marling School	
Group:	Ribston Hall High School	Gloucestershire
	Sir Thomas Rich's School	
	High School for Girls	
	The Crypt School	
Group:	Lancaster Girls' Grammar School	Lancashire
	Lancaster Royal Grammar School	
Group:	The Tiffin Girls' School	Kingston-upon-Thames
	Tiffin School	
Group:	Skipton Girls' High School	North Yorkshire
	Ermysted's Grammar School	
Group:	Devonport High School for Boys	Plymouth
	Devonport High School for Girls	
	Plymouth High School for Girls	
Group:	Parkstone Grammar School (Girls)	Poole
	Poole Grammar School	

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Education (Grammar School Ballots) Regulations 1998 No. 2876

		LEA area
Group:	Kendrick Girls' Grammar School Reading School	Reading
Group:	Ilford County High School Woodford County High School	Redbridge
Group:	Queen Mary's Grammar School Queen Mary's High School	Walsall
Group:	Stratford Upon Avon Grammar School for Girls King Edward VI Grammar School	Warwickshire
Group:	Lawrence Sheriff School Rugby High School for Girls	Warwickshire
Group:	Bishop Wordsworth's Grammar School South Wilts Grammar School for Girls	Wiltshire
Group:	Calday Grange Grammar School West Kirby Grammar School for Girls	Wirral
Group:	St. Anselm's College Upton Hall Convent School FCJ	Wirral
Group:	Wirral County Grammar School (Girls) Wirral Grammar School for Boys	Wirral
Group:	Adams' Grammar School Newport Girls' High School	The Wrekin

SCHEDULE 3

Regulation 2(1)

STAND ALONE GRAMMAR SCHOOLS

	LEA area
Queen Elizabeth Grammar School	Cumbria
Colyton Grammar School	Devon

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	LEA area
The Latymer School	Enfield
Pate's Grammar School	Gloucestershire
Heckmondwike Grammar School	Kirklees
Bacup and Rawtenstall Grammar School	Lancashire
Clitheroe Royal Grammar School	Lancashire
The Liverpool Blue Coat School	Liverpool
Ripon Grammar School	North Yorkshire
St Joseph's College	Stoke on Trent
Alcester Grammar School	Warwickshire
Wolverhampton Girls' High School	Wolverhampton

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#### SCHEDULE 4

Regulation 15(1)

#### THE BALLOT INFORMATION CODE

1. The principles specified in paragraph 2 shall apply in providing material for parents relating to a petition or ballot.
2. Material provided:
  - (a) should provide information which is as factual and accurate as possible, with a view to helping parents to reach a soundly-based decision about whether grammar schools should, or should not, retain selective admission arrangements;
  - (b) insofar as it offers opinions, predictions or views, it should do so on the basis of fact or a reasonable interpretation of fact; and should clearly distinguish between what is fact and what is opinion or prediction;
  - (c) should be objective and explanatory, seeking to clarify the issues without omitting important facts or arguments, and without selecting facts or arguments in such a way as to distort or mislead;
  - (d) should not be likely to cause alarm, concern or offence;
  - (e) should not in content, tone or presentation be party political;
  - (f) should not attack the views of individuals or of groups taking a different view of the future of selective admission arrangements at grammar schools.
3. The following standards should be observed at meetings for parents and in other open debate:
  - (a) if meetings about the future of grammar school selective admission arrangements are arranged for parents, they should be publicised, as far as is reasonable, to all those with an interest;
  - (b) the presentations should, taken together, provide an overall picture which is balanced, fair and unbiased;
  - (c) oral information should be accurate and should not mislead the audience;
  - (d) comments on, or responses to, the policies of central and local government should be objective, balanced, informative and accurate.

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations)*

These Regulations make provision for ballots to determine whether grammar schools should retain selective admission arrangements.

Part I contains definitions; in particular it contains the definition of “eligible parents”(regulation 4), that is parents who are to be eligible to request a ballot or vote in a ballot. Eligible parents are different for area ballots and petitions for area ballots and for feeder school ballots and petitions for feeder school ballots. “Feeder school” is also defined in Part I (regulation 6). Regulation 3 prescribes Electoral Reform (Ballot Services) Ltd under section 105(3)(c) of the School Standards and Framework Act 1998 (referred to in the Regulations as “the designated body”). The designated body is to receive petitions and make the arrangements for the holding of the ballot and the regulations confer other functions on the designated body.

Part II contains provisions relating to petitions for a ballot. A petition can relate to all schools in a “relevant area” (an expression defined in regulation 2), a group of grammar schools (groups of grammar schools being listed in Schedule 2) or a “stand alone grammar school” (such grammar schools being listed in Schedule 3) (regulation 7). Provision is made in regulation 7 that in order to trigger a ballot the petition must be signed by a number of eligible parents which is at least 20% of the “parent population” (an expression defined in regulation 7(9)).

Part III contain provisions as to the ballot itself. Again a ballot can relate to all schools in a “relevant area”, a group of grammar schools or a “stand alone grammar school” (regulation 11). Part III also contains provisions whereby the Secretary of State may declare a ballot void (regulation 15) and provides that if a ballot has been in favour of retaining selective admission arrangements no further ballot may be held for 5 years (regulation 16).

Part IV contains supplementary provisions. In particular regulation 17 provides for the period within which admission arrangements must be revised so that a school no longer has selective admission arrangements in cases where the ballot has been in favour of ending selection. Regulation 22 makes special provisions for a case where a petition is received before 31st July 1999. Under such circumstances the ballot cannot be held until after 1st September 1999 and regulation 22 makes special provisions for eligibility to vote in such a ballot