



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART III

#### SCHOOL ADMISSIONS

#### CHAPTER I

#### ADMISSION ARRANGEMENTS

#### *Parental preferences*

**87 No requirement to admit children permanently excluded from two or more schools.**

- (1) The [<sup>F1</sup>duties imposed by section 86(2) and section 86B(1) do] not apply in the case of a child to whom subsection (2) below 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.

[<sup>F2</sup>(3A) A child who has been permanently excluded from a school in England shall not be treated for the purposes of this section as having been so excluded if any of the following applies—

- (a) the child was reinstated as a pupil at the school following a direction from the responsible body—

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*Changes to legislation:* School Standards and Framework Act 1998, Section 87 is up to date with all changes known to be in force on or before 09 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) View outstanding changes

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- (i) in accordance with regulations under subsection (3)(b) of section 51A of the Education Act 2002;
  - (ii) following a recommendation from the review panel that the responsible body reconsiders the matter under subsection (4)(b) of that section;
  - (b) the child would have been reinstated as a pupil at the school following a direction from the responsible body as described in paragraph (a)(i) or (ii), if it had been practical for the responsible body to give such a direction;
  - (c) the review panel has quashed a decision of the responsible body not to reinstate the child as a pupil at the school under subsection (4)(c) of section 51A of the Education Act 2002;
  - (d) the child was so excluded at a time when the child had not attained compulsory school age.
- (3B) In subsection (3A) “the responsible body” has the same meaning as in section 51A of the Education Act 2002.]
- [<sup>F3</sup>(4) <sup>F4</sup>... A child who has been permanently excluded from a school [<sup>F5</sup>in Wales] shall not be treated for the purposes of this section as having been so excluded if—
- (a) he was reinstated as a pupil at the school following the giving of a direction to that effect by the relevant authority in accordance with regulations under subsection (3)(b) or (c) of section 52 of the Education Act 2002,
  - (b) on a review of his exclusion carried out in accordance with regulations under subsection (3)(b) of that section or an appeal made pursuant to regulations under subsection (3)(c) of that section, the relevant authority decided—
    - (i) that it would not be practical to give a direction requiring his reinstatement as a pupil at the school, but
    - (ii) that it would otherwise have been appropriate to give such a direction, or
  - (c) he was so excluded at a time when he had not attained compulsory school age.
- (4A) In subsection (4) “the relevant authority” means—
- (a) the responsible body as defined by subsection (5) of section 52 of the Education Act 2002, or
  - (b) a panel constituted in accordance with regulations under subsection (3)(c) of that section.]

(5) In this section “school” means—

    - (a) in relation to any time before or after the appointed day, a school maintained by a [<sup>F6</sup>local authority]; or
    - (b) in relation to any time before the appointed day, a grant-maintained or grant-maintained special school within the meaning of the <sup>M1</sup>Education Act 1996.

(6) 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.

(7) Nothing in this section applies to a child unless at least one of the two or more exclusions mentioned in subsection (2) took effect on or after 1st September 1997.

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### Textual Amendments

- F1** Words in s. 87(1) substituted (26.1.2009 for E., 31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(3)(4), [Sch. 1 para. 55](#); S.I. 2008/3077, [art. 5\(e\)](#) (with [art. 6](#)); S.I. 2009/784, [art. 3\(d\)](#)
- F2** [S. 87\(3A\)\(3B\)](#) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 1 para. 9](#); S.I. 2012/1087, [art. 3](#) (with [art. 4](#))
- F3** [S. 87\(4\)\(4A\)](#) substituted for s. 87(4) (20.1.2003 for E., 9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 4 para. 4](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2002/2952, [art. 2](#) (with [Sch. para. 3](#)); S.I. 2003/2961, [art. 7](#), [Sch. Pt. IV](#)
- F4** Word in s. 87(4) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 1 para. 10\(a\)](#); S.I. 2012/1087, [art. 3](#) (with [art. 4](#))
- F5** Words in s. 87(4) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 1 para. 10\(b\)](#); S.I. 2012/1087, [art. 3](#) (with [art. 4](#))
- F6** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 10\(2\)](#) (with [Sch. 2 para. 10\(4\)](#))

### Modifications etc. (not altering text)

- C1** [Ss. 86-87 restricted \(29.3.1999\)](#) by [S.I. 1999/1016](#), [art. 6](#), [Sch. 4 paras. 1, 2\(1\)](#)  
[S. 87 applied \(with modifications\) \(18.10.1999\)](#) by [S.I. 1999/2666](#), [reg. 8](#), [Sch. paras. 1\(c\), 2-8](#)  
[S. 87 applied \(with modifications\) \(1.9.1999\)](#) by [S.I. 1999/2800](#), [reg. 7](#), [Sch. paras. 1, 2-8](#).
- C2** [S. 87 applied \(with modifications\) \(E.\) \(8.5.2003\)](#) by [The New School \(Admissions\) \(England\) Regulations 2003 \(S.I. 2003/1041\)](#), [regs. 1\(1\), 9](#), [Sch. para. 1\(b\)](#)
- C3** [S. 87 applied \(with modifications\) \(1.2.2006\)](#) by [The New School \(Admissions\) \(Wales\) Regulations 2006 \(S.I. 2006/175\)](#), [regs. 1\(1\), 9](#), [Sch.](#) (with [reg. 2\(2\)](#))

### Marginal Citations

- M1** [1996 c. 56](#).

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)