



Education Act 1980

1980 CHAPTER 20

Admission to schools

6 Parental preferences

- (1) Every local education authority shall make arrangements for enabling the parent of a child in the area of the authority 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 to give reasons for his preference.
- (2) Subject to subsection (3) below, it shall be the duty of a local education authority and of the governors of a county or voluntary school to comply with any preference expressed in accordance with the arrangements.
- (3) The duty imposed by subsection (2) above 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 special agreement school and compliance with the preference would be incompatible with any arrangements between the governors and the local education authority in respect of the admission of pupils to the school; or
 - (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 governors of the school, a parent who makes such an application shall be regarded for the purposes of subsection (2) above as having expressed a preference for that school in accordance with arrangements made under subsection (1) above.
- (5) The duty imposed by subsection (2) above in relation to a preference expressed in accordance with arrangements made under subsection (1) above shall apply also in relation to—

Status: This is the original version (as it was originally enacted).

- (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 as mentioned in section 10(3) or 11(1) below;
- and references in subsection (3) above to a preference and a preferred school shall be construed accordingly.

7 Appeals against admission decisions

- (1) Every local education authority shall make arrangements for enabling the parent of a child to appeal against—
 - (a) any decision made by or on behalf of the authority as to the school at which education is to be provided for the child in the exercise of the authority's functions; and
 - (b) any decision made by or on behalf of the governors of a county or controlled school maintained by the authority refusing the child admission to such a school.
- (2) The governors of every aided or special agreement school shall make arrangements for enabling the parent of a child to appeal against any decision made by or on behalf of the governors refusing the child admission to the school.
- (3) Joint arrangements may be made under subsection (2) above by the governors of two or more aided or special agreement schools maintained by the same local education authority.
- (4) Any appeal by virtue of this section shall be to an appeal committee constituted in accordance with Part I of Schedule 2 to this Act; and Part II of that Schedule shall have effect in relation to the procedure on any such appeal.
- (5) The decision of an appeal committee on any such appeal shall be binding on the local education authority or governors by or on whose behalf the decision under appeal was made and, in the case of a decision made by or on behalf of a local education authority, on the governors of any county or controlled school at which the committee determines that a place should be offered to the child in question.
- (6) In paragraph 6 of Schedule 1 to the Tribunals and Inquiries Act 1971 (tribunals under direct supervision of the Council on Tribunals) after " 6 ", there shall be inserted " (a) " and at the end there shall be inserted—
 - “(b) appeal committees constituted in accordance with Part I of Schedule 2 to the [Education Act 1980 \(c. 20\)](#).”,
 and in section 13(1) of that Act for " 6 " there shall be substituted " 6(a) ".
- (7) In section 25 of the Local Government Act 1974 (authorities subject to investigation by Local Commissioner) after subsection (4) there shall be inserted—
 - “(5) Any reference to an authority to which this Part of this Act applies also includes a reference to any appeal committee constituted in accordance with paragraph 1 of Schedule 2 to the Education Act 1980.”

8 Information as to schools and admission arrangements

- (1) Every local education authority shall, for each school year, publish particulars of—

- (a) the arrangements for the admission of pupils to schools maintained by the authority, other than aided or special agreement schools;
 - (b) the authority's arrangements for the provision of education at schools maintained by another local education authority or not maintained by a local education authority; and
 - (c) the arrangements made by the authority under sections 6(1) and 7(1) above.
- (2) The governors of every aided or special agreement school shall, for each school year, publish particulars of—
- (a) the arrangements for the admission of pupils to the school; and
 - (b) the arrangements made by them under section 7(2) above.
- (3) The particulars to be published under subsections (1)(a) and (2) (a) above shall include particulars of—
- (a) the number of pupils that it is intended to admit in each school year to each school to which the arrangements relate, being pupils in the age group in which pupils are normally admitted or, if there is more than one such group, in each such group;
 - (b) the respective admission functions of the local education authority and the governors ;
 - (c) the policy followed in deciding admissions ;
 - (d) the arrangements made in respect of pupils not belonging to the area of the local education authority.
- (4) The particulars to be published under subsection (1)(b) above shall include particulars of—
- (a) the criteria for offering places at schools not maintained by a local education authority ;
 - (b) the names of, and number of places at, any such schools in respect of which the authority have standing arrangements.
- (5) Every local education authority shall, as respects each school maintained by them other than an aided or special agreement school, and the governors of every aided or special agreement school shall, as respects that school, publish—
- (a) such information as may be required by regulations made by the Secretary of State; and
 - (b) such other information, if any, as the authority or governors think fit,
- and every local education authority shall also publish such information as may be so required with respect to their policy and arrangements in respect of any matter relating to primary or secondary education in their area.
- (6) The local education authority by whom an aided or special agreement school is maintained may, with the agreement of the governors of the school, publish on their behalf the particulars or information relating to the school referred to in subsection (2) or (5) above.
- (7) References in this section to publication are references to publication at such time or times and in such manner as may be required by regulations made by the Secretary of State.

9 Nursery schools and special schools

- (1) None of the provisions of sections 6, 7 and 8 above have effect in relation to nursery schools or to children who will not have attained the age of five years at the time of their proposed admission except that where the arrangements for the admission of pupils to a school maintained by a local education authority provide for the admission of children who will attain that age within six months after their admission those sections shall have effect in relation to the admission of such pupils to that school.
- (2) None of the provisions of those sections other than subsections (5) and (7) of section 8 have effect in relation to special schools or children in need of special educational treatment.