



Education Act 1981

1981 CHAPTER 60

School attendance orders

15 Proposed school attendance order: choice of school

- (1) This section applies in any case where
 - (a) a local education authority propose to serve a school attendance order on the parent of a child under section 37 of the principal Act; and
 - (b) the authority maintain a statement for that child under section 7.
- (2) The order shall not be served until the expiry of the period of 15 days beginning with the date on which the authority serve on the parent written notice—
 - (a) of their intention to serve the order ;
 - (b) stating that if, before the expiry of that period, he selects a school at which he desires the child to become a registered pupil, that school will, unless the Secretary of State otherwise directs, be named in the order.
- (3) If, before the expiry of the period mentioned in subsection (2), the parent selects such a school, that school shall, unless the Secretary of State otherwise directs, be named in the order.
- (4) If the local education authority are of the opinion that—
 - (a) the school selected by the parent as the school to be named in the order is unsuitable to the child's age, ability or aptitude or to his special educational needs ; or
 - (b) that the attendance of the child at the school so selected would prejudice the provision of efficient education or the efficient use of resources ;the authority may, after giving the parent notice of their intention to do so, apply to the Secretary of State for a direction determining what school is to be named in the order.
- (5) Any direction under subsection (4) above may require the local education authority to make such amendments in the statement concerned as the Secretary of State considers necessary or expedient in consequence of his determination.

- (6) Where the school to be named in the school attendance order in pursuance of a direction given by the Secretary of State under this section is a school maintained by a local education authority, it shall be the duty of the authority and of the governors of the school to admit the child to the school.

16 Amendment and revocation of school attendance orders

- (1) This section applies in any case where—
- (a) a local education authority have served a school attendance order on the parent of a child under section 37 of the principal Act; and
 - (b) the authority maintain a statement for that child under section 7.
- (2) If at any time while the order is in force the parent applies to the local education authority requesting—
- (a) that another school be substituted for that named in the order; or
 - (b) that the order be revoked on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude and to his special educational needs otherwise than at school;
- the authority shall amend or revoke the order in compliance with the request unless they are of the opinion that—
- (i) the school selected by the parent as the school to be named in the order is unsuitable to the child's age, ability or aptitude or to his special educational needs or that the proposed change of school is against the interests of the child ;
 - (ii) the attendance of the child at the school so selected would prejudice the provision of efficient education or the efficient use of resources ; or
 - (iii) no satisfactory arrangements have been made for the education of the child otherwise than at school.
- (3) If a parent is aggrieved by a refusal of the authority to comply with a request made under subsection (2) above he may refer the question to the Secretary of State, who shall give such direction thereon as he thinks fit.
- (4) Any direction under subsection (3) above may require the local education authority to make such amendments in the statement concerned as the Secretary of State considers necessary or expedient in consequence of his determination.
- (5) Where, in pursuance of a direction given by the Secretary of State under this section, a school which is to be substituted for that named in the school attendance order is a school maintained by a local education authority, it shall be the duty of the authority and of the governors of the school to admit the child to the school.