



Education Act 1993

1993 CHAPTER 35

PART VI

MISCELLANEOUS

Admissions and exclusions

260 Arrangements for admissions

- (1) In this section “co-ordinated arrangements for admissions”, in relation to any two or more maintained or grant-maintained schools, means arrangements under an agreement to which this section applies for the purpose of co-ordinating arrangements for admitting pupils to the schools concerned.
- (2) Co-ordinated arrangements for admissions, if—
 - (a) contained in an agreement approved by the Secretary of State under this section, or
 - (b) made in pursuance of a scheme under this section,and any provision contained in any other arrangements for admitting pupils to any maintained or grant-maintained school in pursuance of a scheme under this section, shall have effect in the case of any school to which they relate notwithstanding anything in section 6(2) of the Education Act 1980 (parental preferences) or in the instrument or articles of government for the school.
- (3) This section applies to an agreement made in relation to any two or more maintained or grant-maintained schools to which each authority responsible for determining the arrangements for admitting pupils to any of the schools is a party, whether or not any local education authority for any area in which any of the schools are situated is also a party.
- (4) The Secretary of State may make a scheme under this section for the purpose of co-ordinating arrangements, or assisting in the co-ordination of arrangements, for admitting pupils to any maintained or grant-maintained schools to which the scheme applies.

Status: This is the original version (as it was originally enacted).

- (5) A scheme under this section may in particular require each authority responsible for determining the arrangements for admitting pupils to any of the schools to which the scheme applies—
- (a) to include in their arrangements for admitting pupils such provisions as may be required by the scheme,
 - (b) to secure the making in accordance with the scheme of an agreement for the purpose of co-ordinating arrangements for admitting pupils to the schools to which the scheme applies, or
 - (c) to secure the modification in accordance with the scheme of any such agreement to which they are party.
- (6) Before making a scheme under this section the Secretary of State shall, in respect of each school which appears to him to be a school to which the scheme will apply, consult—
- (a) the governing body, and
 - (b) in the case of any maintained school, the local education authority.
- (7) A scheme under this section may apply to—
- (a) all schools which for the time being are maintained or grant-maintained schools,
 - (b) all schools which for the time being are maintained or grant-maintained schools falling within any category of such schools specified in the scheme, or
 - (c) any maintained or grant-maintained school so specified.
- (8) Section 111 of the Education Act 1944 (revocation and variation) applies to a scheme under this section as it applies to directions under that Act.

261 Restrictions on power to exclude pupils

- (1) The head teacher of any school maintained by a local education authority or grant-maintained school may not—
- (a) exclude a pupil from the school for an indefinite period, or
 - (b) so exercise the power to exclude a pupil from the school for one or more fixed periods that the pupil is so excluded for more than fifteen school days in any one term.
- (2) Subsection (1) above has effect, in the case of a school having articles of government, notwithstanding anything in the articles.
- (3) Where, on the day on which this section comes into force, a pupil stands excluded from such a school for an indefinite period—
- (a) he shall be treated as if he had been excluded from the school by the head teacher until the expiry of the period of one month beginning with that day and as if, in the case of a county, controlled or maintained special school, the local education authority had been so informed, and
 - (b) any direction given before that day—
 - (i) under section 24(c)(ii) or 25(d)(ii) of the Education (No. 2) Act 1986 (pupil to be reinstated within period specified in direction), or
 - (ii) by a committee of the governing body of a grant-maintained school to the head teacher under a corresponding provision of the articles of government,

which specifies a period ending later than the expiry of the period of one month beginning with that day shall have effect as if it specified a period ending with that expiry.

(4) Subsection (1)(b) above does not apply to any exclusion of a pupil which has taken effect before the day on which this section comes into force; but in exercising on or after that day the power referred to in that subsection, account shall be taken of any school days on which the pupil was excluded from the school in the same term in pursuance of one or more exclusions which took effect before that day.

(5) In this section, “grant-maintained school” includes a grant-maintained special school.

262 Exclusion of pupils: funding

(1) Subsection (2) below applies where a pupil is permanently excluded from any school maintained by a local education authority or any grant-maintained school and, in the financial year in which the exclusion first takes effect—

(a) he is subsequently provided with education at a school maintained by a local education authority, education otherwise than at school provided by such an authority or education at a grant-maintained school, and

(b) the person accountable for that education (referred to below as “the new provider”) is not the same as the person accountable for the education provided for him immediately before his exclusion (referred to below as “the former provider”).

(2) The former provider shall pay to the new provider an amount determined in accordance with regulations as the appropriate amount of funding to be transferred to the new provider in respect of that pupil for that financial year.

(3) Every local education authority shall, where any scheme made by them under section 33 of the Education Reform Act 1988 (financing county and voluntary schools) does not make the provision required by subsection (4) below, exercise their powers to revise the scheme so that it makes such provision.

(4) The provision required by this subsection, in relation to a local education authority, is—

(a) provision requiring the authority, where a pupil is permanently excluded from a school and the exclusion first takes effect in a financial year in which the school is required to be covered by the scheme, to reduce the school’s budget share for that year by an amount determined in accordance with regulations as the appropriate amount of funding in respect of that pupil for that year to be subtracted from the school’s budget share, and

(b) provision requiring the authority, where a pupil admitted to a school in a financial year in which the school is required to be covered by the scheme has been permanently excluded from a school maintained by them or any other local education authority or any grant-maintained school and the exclusion (as well as the admission) first took effect in that year, to allocate for the purposes of the school in that year an amount determined in accordance with regulations as the appropriate amount of funding in respect of that pupil for that year to be allocated for those purposes.

(5) Expressions used in subsection (4) above and in Chapter III of Part I of the Education Reform Act 1988 have the same meaning in that subsection as in that Chapter.

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

- (6) Subject to subsection (7) below, for the purposes of this section—
- (a) the local education authority are accountable for education provided at any school maintained by them or education provided by them otherwise than at school, and
 - (b) the governing body are accountable for education provided at a grant-maintained school.
- (7) Where a pupil is permanently excluded from any school maintained by a local education authority or grant-maintained school and, in the financial year in which the exclusion first takes effect, the following events subsequently occur—
- (a) he is first provided with education for which a different local education authority or, in the case of exclusion from a grant-maintained school, any local education authority are accountable (referred to below as “the first new provider”) and which is provided in a pupil referral unit or otherwise than at school, and, at any time afterwards
 - (b) he is provided with education at a grant-maintained school or for which a local education authority other than the first new provider are accountable,
- then, in relation to the education mentioned in paragraph (b) above, the first new provider is to be treated as accountable for the education provided for the pupil immediately before the exclusion first took effect.
- (8) Any dispute as to whether any local education authority or governing body of a grant-maintained school are entitled to be paid any amount under this section by any such other person shall be determined by the Secretary of State.
- (9) For the purposes of this section the permanent exclusion of a pupil does not take effect until—
- (a) any review under the articles of government of the decision to exclude him has been completed, and
 - (b) either any time for appealing under section 26 of the Education (No. 2) Act 1986 or those articles has expired without such an appeal being made or such an appeal has been finally concluded.
- (10) In this section, “grant-maintained school” includes a grant-maintained special school.