

SCHEDULES

SCHEDULE 2

MAKING AND MAINTENANCE OF STATEMENTS UNDER ARTICLE 16

Change of named school

- 8.—(1) Sub-paragraph (2) applies where—
- (a) the parent of a child for whom a statement is maintained which specifies the name of a school or institution asks the board to substitute for that name the name of a grant-aided school specified by the parent, and
 - (b) the request is not made less than twelve months after—
 - (i) a request under this paragraph,
 - (ii) the service of a copy of the statement under paragraph 6,
 - (iii) if the statement has been amended, the date when notice of the amendment is given under paragraph 10(3)(b), or
 - (iv) if the parent has appealed to the Tribunal under Article 18 or this paragraph, the date when the appeal is concluded,whichever is the later.
- (2) The board shall comply with the request unless—
- (a) the school is unsuitable to the child's age, ability or aptitude or to his special educational needs, or
 - (b) the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.
- (3) A board shall, before substituting the name of any grant-aided school in a statement, consult the Board of Governors of the school and, if the school is in the area of another board, that board.
- (4) Where the board decides not to comply with the request—
- (a) it shall give notice to the child's parent of that decision, the reasons for making it and the effect of head (b), and
 - (b) the parent of the child may appeal to the Tribunal against the decision.
- (5) On the appeal the Tribunal may—
- (a) dismiss the appeal, or
 - (b) order the board to substitute for the name of the school or other institution specified in the statement the name of the grant-aided school specified by the parent.
- (6) Regulations may provide that, where a board is under a duty to comply with a request under this paragraph, the duty must, subject to prescribed exceptions, be performed within the prescribed period.
- (7) Such provision shall not relieve the board of the duty to comply with such a request which has not been complied with within that period.