

*Status: Point in time view as at 31/12/2010.*

*Changes to legislation: Equality Act 2010, Part 4 is up to date with all changes known to be in force on or before 18 May 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)*

## SCHEDULES

### SCHEDULE 17

#### DISABLED PUPILS: ENFORCEMENT

##### Modifications etc. (not altering text)

- C1** [Sch. 17](#): power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 18(2)(c) (as amended by [S.I. 2011/1651](#), [art. 12\(b\)](#)); [S.I. 2012/320](#), [art. 2\(g\)](#))

#### PART 4

##### ADMISSIONS AND EXCLUSIONS

###### *Admissions*

- 13 (1) This paragraph applies if appeal arrangements have been made in relation to admissions decisions.
- (2) A claim that a responsible body has, because of a person's disability, contravened Chapter 1 of Part 6 in respect of an admissions decision must be made under the appeal arrangements.
- (3) The body hearing the claim has the powers it has in relation to an appeal under the appeal arrangements.
- (4) Appeal arrangements are arrangements under—
- (a) section 94 of the School Standards and Framework Act 1998, or
  - (b) an agreement between the responsible body for an Academy and the Secretary of State under section 482 of the Education Act 1996, enabling an appeal to be made by the person's parent against the decision.
- (5) An admissions decision is—
- (a) a decision of a kind mentioned in section 94(1) or (2) of the School Standards and Framework Act 1998;
  - (b) a decision as to the admission of a person to an Academy taken by the responsible body or on its behalf.

##### Commencement Information

- II** [Sch. 17 para. 13](#) wholly in force; [Sch. 17](#) not in force at Royal Assent see [s. 216](#); [Sch. 17 Pt. 4](#) in force at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(9\)\(k\)\(iii\)](#) (with [art. 15](#), and subject to transitional provision in [art. 7](#))

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### *Exclusions*

- 14 (1) This paragraph applies if appeal arrangements have been made in relation to exclusion decisions.
- (2) A claim that a responsible body has, because of a person's disability, contravened Chapter 1 of Part 6 in respect of an exclusion decision must be made under the appeal arrangements.
- (3) The body hearing the claim has the powers it has in relation to an appeal under the appeal arrangements.
- (4) Appeal arrangements are arrangements under—
- (a) section 52(3) of the Education Act 2002, or
  - (b) an agreement between the responsible body for an Academy and the Secretary of State under section 482 of the Education Act 1996, enabling an appeal to be made by the person's parent against the decision.
- (5) An exclusion decision is—
- (a) a decision of a kind mentioned in 52(3) of the Education Act 2002;
  - (b) a decision taken by the responsible body or on its behalf not to reinstate a pupil who has been permanently excluded from an Academy by its head teacher.
- (6) “Responsible body”, in relation to a maintained school, includes the discipline committee of the governing body if that committee is required to be established as a result of regulations made under section 19 of the Education Act 2002.
- (7) “Maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998.

#### **Commencement Information**

- I2** [Sch. 17 para. 14](#) wholly in force; [Sch. 17](#) not in force at Royal Assent see [s. 216](#); [Sch. 17 Pt. 4](#) in force at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(9\)\(k\)\(iii\)](#) (with [art. 15](#), and subject to transitional provision in [art. 7](#))

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