

*Status: Point in time view as at 31/03/2021.*

*Changes to legislation: Equality Act 2010, Part 4 is up to date with all changes known to be in force on or before 28 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
  - [<sup>F1</sup>(b) Academy arrangements (as defined in section 1 of the Academies Act 2010) between the responsible body for an Academy and the Secretary of State,] 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 [<sup>F2</sup>Academy school or an alternative provision Academy] taken by the responsible body or on its behalf.

##### Textual Amendments

- F1** Sch. 17 para. 13(4)(b) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 65, [Sch. 15 para. 2](#); [S.I. 2012/84](#), [art. 3](#)
- F2** Words in Sch. 17 para. 13(5)(b) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 54(1), [Sch. 13 para. 20\(4\)](#); [S.I. 2012/924](#), [art. 2](#)

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### 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**)

### *Exclusions <sup>[F3]</sup>: Wales*

### Textual Amendments

- F3** Word in Sch. 17 para. 14 cross-heading inserted (1.9.2012) by **Education Act 2011 (c. 21), s. 4(4), Sch. 1 para. 12; S.I. 2012/1087, art. 3**

- 14 (1) This paragraph applies if appeal arrangements have been made in relation to exclusion decisions <sup>[F4]</sup>that are made in relation to schools in Wales].
- (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.
- <sup>[F5]</sup>(4) Appeal arrangements are arrangements under section 52(3) of the Education Act 2002 enabling an appeal to be made against an exclusion decision.]
- (5) An exclusion decision is—
- (a) a decision of a kind mentioned in 52(3) of the Education Act 2002;
  - (b) <sup>F6</sup> .....
- (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.

### Textual Amendments

- F4** Words in Sch. 17 para. 14(1) inserted (1.9.2012) by **Education Act 2011 (c. 21), s. 4(4), Sch. 1 para. 13(a); S.I. 2012/1087, art. 3**
- F5** Sch. 17 para. 14(4) substituted (1.9.2012) by **Education Act 2011 (c. 21), s. 4(4), Sch. 1 para. 13(b); S.I. 2012/1087, art. 3**
- F6** Sch. 17 para. 14(5)(b) omitted (1.9.2012) by virtue of **Education Act 2011 (c. 21), s. 4(4), Sch. 1 para. 13(c); S.I. 2012/1087, art. 3**

### 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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