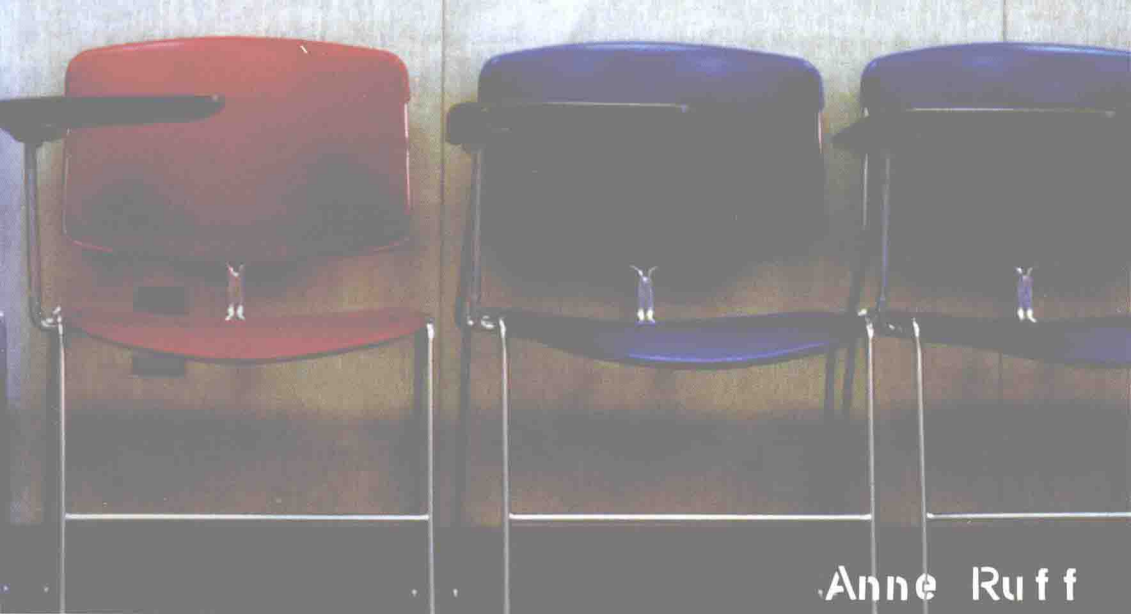




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Anne Ruff LLB, LLM, CERT ED (TECH)

Barrister-at-Law

Principal Lecturer in Law, Law Academic Group,
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Preface

Education law has become a topical and dynamic subject, and is likely to remain so for the foreseeable future. It is particularly well suited for the undergraduate and postgraduate law curriculum. Education law cuts across traditional teaching boundaries, and is influenced by work in other academic disciplines. It draws upon its roots in administrative law, yet elements of the law of tort, child law, discrimination law, and human rights legislation are of crucial importance. The values that underpin education law are derived from international as well as domestic law.

Education law is a specialist area of law for practitioners. It is of particular relevance to parents, pupils, students, school governors, teachers, and local education authorities. There has been a dramatic increase in education legislation and litigation by parents and students in the last 20 years, which reflects the influence of consumerism and human rights on this area of law. Parents and students, and to a lesser degree pupils, have acquired more effective legal rights and remedies.

This book examines education law from the perspective of the parent, pupil or student. It is written primarily for law students, but I hope that it may also prove useful for education students who study law as part of their degree programme or teacher training course.

The aim of this book is three-fold. First, the book attempts to enable students to understand how education law operates in practice by demonstrating the relationship between primary and secondary legislation, government guidance and case law, and by illustrating how different areas of English law, including human rights law, relate to each other in this context. Second, the book attempts to encourage students to analyse and question the law as well as to undertake further independent research into legal and educational issues. Third, the book identifies and examines current issues in education law, and on occasion compares the position in other legal systems.

The legal position in England and Wales has been covered, although with devolution there are an increasing number of differences between England and Wales, the most important of which have been noted. I have endeavoured to state the law as

it stood at the end of December 2001, and have included brief references to the Education Bill currently before Parliament.

This book would not have been written without the inspiration, support, patience and forbearance of many people; to them all much thanks. I would particularly like to express my gratitude to Nigel Giffin, Professor Malcolm Leder, and Professor Neville Harris, as well as colleagues at Middlesex University and ACE (Advisory Centre for Education), together with the editorial staff at Butterworths, and last but by no means least my husband Chris, and my three sons Oliver, Nicholas and Simon.

Anne Ruff

January 2002

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Report on an Investigation into Complaint No 99/C/4255
Report on an Investigation into Complaint No 99/B/04029 and 00/B/17234

Table of statutes

References on the right hand side of the column are to page numbers.
Those page numbers in **bold** indicate where an Act is set out in part or in full.

	PAGE		PAGE
Children Act 1989 . 25, 32, 63, 74, 315, 325, 337, 351, 366,	369	Consumer Credit Act 1974	
s 1(2)	27	s 16(5)(b)	151
2(9)	273	Criminal Justice and Court Service Act 2000	
3(1)	273	s 72	255
(5)	273	Data Protection Act 1998	
17	63, 319, 337, 339	Sch 11	502
(1)	32, 337	Deregulation and Contracting Out	
(2)	338	Act 1994	23
(8)	338	Disability Discrimination Act	
(10)	64, 338	1995	37, 39, 42, 226, 315, 318, 320, 323, 325, 328, 360, 380, 381, 382
(11)	338	s 1, 2	323
18	339	28A	42, 161, 383
(1)	64	(1)	383
(a)	63	(2)	342, 383
(b)	64	(4), (6)	384
(2)	64	28B	42, 43
(4)	63	(1)	384
(5)	74	(2)-(8)	385
(6)	74	28C	42, 43
19	64	(1)	384, 386
20	339	(2), (4), (8)	386
23(3)	24	28D	382
36	32	(2), (9)	382
324	366	28F	384
Sch 2		28I(3), (4)	387
para 3	351	28K	228, 387
8	339	28L	387
Sch 3	32	28Q(2)	323
Sch 13		28R	42, 384
para 10	24	28S	42, 43, 385
Chronically Sick and Disabled Persons Act		(6)	43, 385
1970	13	(7)	385, 386
s 2(1)	13, 327		

	PAGE		PAGE
Disability Discrimination Act 1995— <i>contd</i>		Education Act 1980— <i>contd</i>	
s 28T	42, 43, 386	s 8	203
28U	384	12	115
28V	387	31	259
(1)	387	33(1)	212
(2), (3), (5)	388	Education Act 1981	12, 315, 391, 392, 394, 397
28W	386, 388	s 1	320
29, 30	381	(3)	320
31B	383	2	402
(1), (8)	383	4	393
55	384	(2)	374
Sch 1	323	5	393
para 1, 2	323	7	393
3-6, 8	324	(1), (2)	373
Sch 3	387	Education Act 1993	12, 24, 25, 30, 118, 315, 320, 336, 339, 365, 401, 505
Sch 4A		s 156(2)(a)	320
para 1	384	161	343
Sch 4B	384	(1)(a)	343
Sch 4C	384	164(3)	334
Disabled Persons (Services, Consultation and Representation) Act 1986		166	335, 336, 337
s 5	379, 380	168	332
6	380	(2)(b)	320
Education Act 1944	3, 4, 5, 6, 7, 8, 24, 25, 115, 330, 346, 394, 432	(5)	336
s 7	201, 202	(a)(i)	344
(1)	3	184(1)	118
8	156, 158, 162, 165, 201, 202, 393, 545	218	518
(2)(c)	393	298	327
17(5)	116	(7)	326
33, 34	393	305(3)	25
39	437	Sch 10	332
(2)(c)	433, 438	para 3(3)(b)	332
(5)	435, 436	Education Act 1994	12
55	433	s 18A	525
(1)	433, 436, 437	20	141
68	485, 538, 540, 541, 544, 546	(1), (2)	141
76	158, 159	(3), (4)	142
99	156, 485, 538, 539, 543, 544, 546	21	141
(1)	543	22	141
114(1D)	24	(1)	142
Education Act 1962	394	(2)	142
s 1-3	145	(d)	143
Education Act 1980	6, 12, 24, 115, 166, 328, 394, 441	(i), (ii)	143
s 6	115, 201, 207, 212, 438	(9)	143
(1)	203	Education Act 1996	12, 32, 59, 66, 109, 229, 315, 317, 325, 337, 349, 360, 407, 442, 513
(2)	201, 203	s 1(1)	3
(3)	201, 203, 208, 212	(4)	322
(a)	208, 235	2	121
(b)	208	(1)(a)	59
(5)	200, 201, 202, 203	(b)	60
(a)	204	(2), (2A), (2B)	60
(6)	206, 209	(3)	61, 121

	PAGE
Education Act 1996— <i>contd</i>	
s 2(4)-(7)	122
4(1)	64
5(3)	67
6(1)	69
7	252
8(2)	65
(3)	66
(4)	66
9	130, 158, 159 , 160, 330, 331
10	16
11	16
(2)	17
12	19
13	20
(1)	513, 514
13A	20 , 513, 517
(1), (2)	513
14	155, 162, 165
(1)	105 , 155
(2)	155
(3), (6)	105 , 155
(7)	155
16(6)	419
19	304, 325, 333, 339
(1)	65 , 325
(2), (3)	65
(6)	325
298	326
Pt IV (ss 312-349)	358
s 312	318, 321, 359, 376
(1)	315, 318
(2)	318
(3)	319
(4)	318 , 321, 363
(5)	319, 349, 373, 375, 376
313(2), (3)	364
315(1), (2)	328
316	328, 329, 330, 331
(1)	329 , 330, 331
(2)	329 , 331
(3), (4)	329
316A	328, 330
317	341, 380
(1)	341
(2), (4)	342
(6)	343, 380
317A	342
(1)	342
(2), (3)	343
319	322, 333
(1), (2)	333
320	333
(1)	333
(3)	333 , 334
(4)	334
321	345

	PAGE
Education Act 1996— <i>contd</i>	
s 321(1)-(3)	345
322	335, 336
(1)-(3)	335
323	346, 349, 352
(1)	346
(2), (6)	347
324	321, 322, 331, 353
(1)	352, 363
(2)	353
(3)	353
(a), (b)	356
(4)	353 , 364
(a)	322
(b)	363
(4A)	353
(5)	353 , 363
(b)	363
(6)	353
325	352, 366, 368
(1), (2)	352
(3)	368
326	359, 366
(1)	364
(3)	367
(4)	364
328	365, 366
329	349, 366
(1), (2)	349
329A	350
(1), (2), (7)	350
(8)	350 , 366
(11), (12)	350
332A	340
(1), (3)	340
332B	340, 371
(1)-(3), (5), (6)	340
333-336	366
336A	341
(1), (2)	341
337	365
(1)	69
342	69, 330
347, 348	365
Pt V (ss 350-410)	408
s 351	408, 480
(1)	408
(6), (7)	467
352	409, 442
(1)	409
(a)	442
(c)	467
(2), (3)	409
353	416
354	416
(8)	417
355	415

	PAGE
Education Act 1996— <i>contd</i>	
s 356	414, 415
(1)	414
(2)	414 , 416
(3)	414
(5), (6)	418
(9)	417 , 469
357	415, 430
(1)	415
362	421, 424
(1)-(3)	424
(4)	425
363	421, 425
364	421
(a), (b)	421
365	421
(1)	422
(2), (3)	423
366	421
367	421, 424
(2)-(4)	424
368	415
375(2), (3)	443
398	440
(a), (b)	440
400	409
402	420
(1), (2)	420
(3)	421
403	409, 467 , 469
(1), (1A)	467
404(1)	468
405	473
406	409, 480
(1), (2)	480
407	481
(1)	481
408(2)	409
409	410, 424, 481
(1), (2)	481
(3), (4)	482
411	167, 169, 230, 237, 330, 331
(1)	169, 170
(a)	167, 168, 170
(b)	168, 169, 170
(2)	169
(a)	234
(3)	169, 170
413	206
423, 429	226
434	264
437	253
(1)	253
443	253
(1)	253
444	253, 254, 432
(1)	253

	PAGE
Education Act 1996— <i>contd</i>	
s 444(3)	254
(4)	254 , 255, 432
(5)	254, 255, 432
(6)	254, 255
(8)	255
450	427
(1), (2)	427
451	427
(1)-(4)	427
452	428
(1)-(5)	428
(6)	429
453, 454	428
455	429
(1)-(3)	429
456	429
(4)-(6)	430
457	430
(4)	430
460(2)	431
482	69
(3)(a)	69
Pt IX, Ch I (ss 495-541)	16
s 495	538
496	482, 517, 519, 538,
545, 546, 547	
(1), (2)	538
497	156, 308, 482, 517,
519, 542, 545, 546, 547	
(1)-(3)	542
497A	17 , 18 , 517, 519, 520
(1), (2)	547
(3), (4)	520 , 547
(7)	547
497B	17, 18, 548
500-506	118
509	432, 433
(1)	432 , 435, 438
(b)-(d)	431
(2)	432
(3)	438
(4)	432
509A	431
518	129, 130, 131
(1), (2)	129
527A	274, 275
(1)-(7)	275
528(1), (2)	381
537	496, 497
(1)-(3), (5)	497
537A	496
(1), (2), (7), (9)	500
538-541	496
547	80
548	282, 283
(1)-(4)	283

	PAGE
Education Act 1996— <i>contd</i>	
s 548(5)	283, 284
550A	261, 284, 285
(1)-(3)	284
550B	276, 277
(1)	276
(2)-(4)	277
551	73
560	425
573(4), (5)	179
579	290, 376
(1)	61, 290
Sch 1	65
Sch 26	351
para 4, 5	351
Sch 27	331, 352, 353, 355, 365
para 3	331, 360
(3)	360, 361
11	366
(5)	366
Sch 33	226
para 14	570
Education Act 1997	12, 255, 262, 274, 475, 519
s 4	284
9	274
11	223
13	255
15-18	419
19	492
(1), (2)	492
21, 22	410
23	410
(1), (2)	410
(3), (4)	411
24	412
(1), (2)	412
25	413
26	379, 414
(1)	414
(c)	414
(2)	414
(6)	379
(b)	379
38	519
(1)	519
(2)-(4)	519
39, 41	520
43	477
(1), (2)	475
(3)	476
(4)	538
44	476, 477
(1), (3)	477
45	477, 478
(1)	477

	PAGE
Education (No 2) Act 1986	12, 407
s 43(1)	139, 140, 141
(2)	139
(3), (4)	140
47	280
Education Reform Act 1988	12, 201, 407, 408, 414, 415, 423, 450, 451, 456, 482
s 15	571
18	422
105(2)	572
124	133
(1), (2)	133
125	574
(1)	133, 574
(2)	133
(3)	134, 574
(b)	134
(4)	134, 574
(a)	134
125A	133
202, 206	576
219	538
Sch 6	
para 1-3	132
Education (Schools) Act 1992	12, 505, 509
s 16	497, 498
Education (Scotland) Act 1980	
s 48A	280
Education (Student Loans) Act 1990	
s 1	150
Education (Student Loans) Act 1996	12
Sch 33	
para 11A(1)(a)	15
Education (Student Loans) Act 1998	12
Further and Higher Education Act 1992	12, 125, 375
s 1	125
2, 4	376
7	125
9	521
15	122
(4)	122
16	122
18	127
(1)	123
19(1)-(4)	123
20	124, 572
21, 22	124
22	122
62	139
65	139
(3)	524
(3A)	139
66	139
68	139, 524