

2007 No. 194

EDUCATION, ENGLAND

The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007

<i>Made</i>	- - - -	<i>29th January 2007</i>
<i>Laid before Parliament</i>		<i>6th February 2007</i>
<i>Coming into force</i>	- -	<i>27th February 2007</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 89B(1), (4), (5) and (6), 89C(1), (2), (3), (4) and (5), 138(7) and 144(1) of the School Standards and Framework Act 1998(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007 and come into force on 27th February 2007.

(2) Subject to paragraph (3) these Regulations apply only in relation to the arrangements under which pupils are to be admitted to maintained primary and secondary schools in England in the academic year 2008-2009 and subsequent years.

(3) These Regulations do not apply to the Council of the Isles of Scilly.

Revocation of Regulations

2. The Regulations set out in Schedule 1 to these Regulations are revoked.

Interpretation

3.—(1) In these Regulations—

“the 1998 Act” means the School Standards and Framework Act 1998;

“application”, in relation to arrangements made by a local education authority under section 86(1) of the 1998 Act, means a parent’s expression of a preference as to the school at which he wishes primary or, as the case may be, secondary education to be provided for his child in the exercise of the authority’s functions;

“authority” means the local education authority formulating a qualifying scheme in accordance with regulation 4 or, as the case may be, for whose area an imposed scheme has been, or is to be, made;

“the determination year” relating to any academic year means the year preceding the year in which the academic year commences;

(a) 1998 c.31; sections 89B and 89C were inserted by section 48 of the Education Act 2002 (c.32) and section 89C was amended by section 43 of the Education and Inspections Act 2006 (c.40).

“imposed scheme” means a scheme for co-ordinating the arrangements for the admission of pupils to primary schools or, as the case may be, secondary schools made by the Secretary of State under section 89B(2) of the 1998 Act and imposed in accordance with regulation 7;

“qualifying scheme” means a scheme for co-ordinating the arrangements for the admission of pupils to primary schools or, as the case may be, secondary schools in the local education authority’s area formulated by an authority pursuant to section 89B(1)(a) of the 1998 Act and these Regulations;

“qualifying primary scheme” and “qualifying secondary scheme” have the meanings given in regulation 4(1);

“school” means a community, foundation or voluntary school; and

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(a).

(2) Where an application for the admission of a child to a relevant age group at a primary school is submitted later than the date stipulated by a qualifying scheme (or, as the case may be, an imposed scheme), it shall be considered to have been submitted in the course of a normal admission round if—

- (a) the relevant admission authority for the school determine, in accordance with the school’s admission arrangements, the order of priority in which the application is ranked (or where the governing body are the admission authority for the school and have made arrangements for another body to determine the order of priority in which applications are ranked under paragraph 3(b) of Schedule 2, that body determines the order of priority in which the application is ranked); and
- (b) a determination relating to the application is made by an authority on or before the date designated by them in accordance with the provisions of regulation 8.

(3) Where an application for the admission of a child to a relevant age group at a secondary school is submitted later than the date stipulated by a qualifying scheme (or, as the case may be, an imposed scheme), it shall be considered to have been submitted in the course of a normal admission round if—

- (a) the relevant admission authority for the school determine, in accordance with the school’s admission arrangements, the order of priority in which the application is ranked (or where the governing body are the admission authority for the school and have made arrangements for another body to determine the order of priority in which applications are ranked under paragraph 6(b) of Schedule 3, that body determines the order of priority in which the application is ranked); and
- (b) a determination relating to the application is made by an authority on or before the date prescribed by regulation 9(2).

Formulation of qualifying schemes

4.—(1) Subject to paragraphs (2) and (3), in relation to each academic year to which these Regulations apply, an authority must formulate a qualifying scheme in relation to each primary school in their area (a “qualifying primary scheme”), and a qualifying scheme in relation to each secondary school in their area (a “qualifying secondary scheme”).

(2) A qualifying primary scheme must comply with the requirements in Schedule 2, and a qualifying secondary scheme must comply with the requirements in Schedule 3.

(3) The duty in paragraph (1) to formulate a scheme does not apply where—

- (a) a qualifying scheme has been adopted in relation to an academic year by the authority and each governing body who are the admission authority for a primary school or, as the case may be, a secondary school in their area, and after reviewing the scheme the authority

(a) 1971 c.80.

consider that it should again be adopted by themselves and each of those governing bodies in relation to the academic year immediately following; or

- (b) an imposed scheme has been made or has effect in relation to the preceding academic year and has not been revoked, and the authority, after reviewing the scheme, consider that the scheme should be adopted by themselves and each governing body who are the admission authority for a primary school or, as the case may be for a secondary school in their area in relation to the academic year immediately following.

Action to be taken by a local education authority to secure adoption of a qualifying scheme

5.—(1) This regulation prescribes for the purposes of section 89B(1)(b) of the 1998 Act the action to be taken by an authority with a view to securing the adoption of a qualifying scheme by themselves and each governing body who are the admission authority for a primary school or, as the case may be, a secondary school in their area.

(2) Subject to paragraphs (3) and (4), an authority must formulate a qualifying primary scheme and a qualifying secondary scheme no later than 1st January in the relevant determination year.

(3) The authority must refer a qualifying scheme which they propose should be adopted in their area to any Admission Forum established for that area under section 85A(a) of the 1998 Act and must have regard to any advice or recommendations of the Forum.

(4) After taking the action required by paragraph (3), the authority must consult the following about any proposed qualifying scheme, namely—

- (a) (i) in respect of a proposed qualifying primary scheme, each governing body who are the admission authority for a maintained primary school in their area, or
- (ii) in respect of a proposed qualifying secondary scheme, each governing body who are the admission authority for a maintained school in their area; and
- (b) any other local education authority as the authority may determine.

(5) The consultation pursuant to paragraph (4)(b) must be undertaken with a view in particular to securing that the arrangements for the admission of pupils to primary schools or, as the case may be, secondary schools in the areas of different local education authorities are, so far as is reasonably practicable, compatible with each other.

(6) Once the authority have carried out any consultation required under this regulation they must determine the qualifying scheme (either in its original form or with such modifications as the authority think fit) which they propose should apply for the academic year in question and must take all reasonable steps to secure its adoption by themselves and each governing body they consulted in relation to it.

Information to be provided to the Secretary of State

6. Where, following the action required to be taken under regulation 5, an authority secure agreement to the adoption of a qualifying scheme, or where the authority adopt a scheme pursuant to regulation 4(3), they must inform the Secretary of State accordingly and provide the Secretary of State with a copy of the scheme.

Making of a scheme by the Secretary of State

7.—(1) In any case where by 15th April in the relevant determination year an authority have not informed the Secretary of State in accordance with regulation 6 that a scheme has been adopted in relation to each primary school or, as the case may be, each secondary school in their area—

- (a) an imposed primary scheme (or, as the case may be, an imposed secondary scheme) may be made, or

(a) Section 85A was inserted by section 45 of the Education Act 2002.

- (b) where an imposed scheme has been made or has effect in relation to the preceding year and has not been revoked, the Secretary of State may notify the authority that that scheme shall continue to have effect in relation to the academic year immediately following.

(2) An imposed primary scheme may make provision corresponding to the requirements of a qualifying primary scheme, and an imposed secondary scheme may make provision corresponding to the requirements of a qualifying secondary scheme.

Date on which decisions in relation to primary school admissions are to be communicated to parents

8.—(1) Subject to paragraphs (3), (4) and (5), an authority must designate in accordance with section 89B(5)(a) of the 1998 Act, the single day in each year on which an authority's determination in accordance with the provisions of a qualifying primary scheme to offer or refuse a child admission to a primary school in their area is to be communicated to a parent.

(2) Paragraph (3) applies in any case where, in accordance with the scheme in question, children may be admitted to a relevant age group at a primary school pursuant to more than one normal admission round.

(3) Where this paragraph applies an authority must designate, in relation to each additional normal admission round, the single day on which a determination referred to in paragraph (1) is to be communicated to a parent.

(4) This regulation does not apply to applications made otherwise than in the course of a normal admission round.

Date on which decisions in relation to secondary school admissions are to be communicated to parents

9.—(1) Subject to paragraph (3), this regulation prescribes for the purposes of section 89B(5)(b) of the 1998 Act, the single day in each year on which an authority's determination in accordance with the provisions of a qualifying secondary scheme or an imposed secondary scheme to offer or refuse a child admission to a secondary school in their area is to be communicated to a parent.

(2) The prescribed day is 1st March in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day is the next working day.

(3) This regulation does not apply to applications made otherwise than in the course of a normal admission round.

Sections 496 and 497 of the Education Act 1996

10. Sections 496 and 497 of the Education Act 1996(a) applies to an authority or a governing body as if any of the obligations imposed on them under a qualifying scheme or an imposed scheme were duties imposed on them under that Act.

29th January 2007

Jim Knight
Minister of State
Department for Education and Skills

(a) 1996 c.56.

SCHEDULE 1

Regulation 2

Regulations revoked

<i>Regulations revoked</i>	<i>References</i>
The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002	S.I. 2002/2903
The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002	S.I. 2002/2904
The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2003	S.I. 2003/2751
The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2004	S.I. 2004/1515
The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) (Amendment) Regulations 2004	S.I. 2004/1516
The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2005	S.I. 2005/2

SCHEDULE 2

Regulation 4(2)

Requirements of a qualifying primary scheme

General

1. A qualifying primary scheme must—
 - (a) require a common application form to be completed, enabling a parent—
 - (i) to apply for a primary school in the authority's area, and
 - (ii) to give reasons for his application;
 - (b) identify the authority and each governing body who are the admission authority for a primary school to which the qualifying scheme applies;
 - (c) where the governing body who are the admission authority for a primary school have made arrangements for another body to determine the order of priority under paragraph 3(b), identify that body;
 - (d) specify the criteria by which the authority must determine whether a child is to be granted or refused admission to a primary school in the authority's area in any case where it appears to the authority that the child—
 - (i) is eligible to be granted admission to more than one school for which application has been made on the common application form, or
 - (ii) is not eligible to be granted admission to any school for which such application has been made;
 - (e) specify the date by which each of the steps required to be taken in accordance with this Schedule is to be performed;
 - (f) provide a procedure for determining any application for the admission of a child to a primary school which—
 - (i) is made otherwise than in the course of a normal admission round, or
 - (ii) where it is for admission to a relevant age group, is submitted later than the date stipulated by the scheme.

Duties of LEA under a qualifying primary scheme

2. A qualifying primary scheme must require an authority—
- (a) in the case of any application made under the common application form for a primary school in their area for which the governing body are the admission authority, to forward details of the application, together with any supporting information provided by the parent, to the governing body or the body with whom the governing body has made arrangements under paragraph 3(b) (except where that body is the authority);
 - (b) in relation to each application made on the common application form for a school for which the authority are the admission authority, to determine by reference to the school's admissions criteria the order of priority in which the application for the school is ranked;
 - (c) in any case where it appears to the authority, having regard to—
 - (i) any determination made in accordance with sub-paragraph (b), and
 - (ii) any information sent to them in accordance with paragraph 3(c),that a child is eligible to be granted admission to more than one primary school, or is not eligible to be offered admission to any school, to determine in accordance with the provisions of the scheme whether the child is to be granted or refused admission to any primary school in their area;
 - (d) in any case where an authority determine in accordance with sub-paragraph (c) that a child is to be granted or refused admission to a primary school in their area for which they are not the admission authority, to notify the school's governing body of their determination;
 - (e) to communicate any determination granting or refusing admission to a primary school in their area to the parent in accordance with regulation 8 (such determination being communicated on behalf of a school's governing body in any case where the authority are not the admission authority for the school); and
 - (f) with regard to any application relating to a child living in a different local education authority's area, to notify that authority of their determination.

Duties of governing body under a qualifying primary scheme

3. A qualifying primary scheme must require a governing body who are the admission authority for a primary school—
- (a) to notify the authority of any application made to the school direct (regardless of whether the parent making the application resides in that authority's area);
 - (b) to determine or make arrangements for another body (including the authority) to determine by reference to the school's admissions criteria the order of priority in which each application for the school (whether made to the school direct or under the common application form) is ranked; and
 - (c) to notify or, where arrangements have been made under sub-paragraph (b) for another body (not being the authority) to make a determination, to arrange for that body to notify the authority of their determination under sub-paragraph (b).

SCHEDULE 3

Regulation 4(2)

Requirements of a qualifying secondary scheme

General

1. A qualifying secondary scheme must—

- (a) ensure, so far as is reasonably practicable, in relation to any application made in the course of a normal admission round, that each parent in the area of an authority shall receive a single offer of a school place under the scheme, save in any case where
 - (i) the parent applies for a secondary school in the area of the local education authority, and for a secondary school in the area of a different local education authority, and
 - (ii) those local education authorities have agreed to ensure, so far as is reasonably practicable, that the parent receives only one offer of a school place,
 when paragraph 5 applies;
- (b) require a common application form to be completed, enabling a parent in an authority's area—
 - (i) to apply for not less than three secondary schools, whether or not any school for which such application is made is within the authority's area,
 - (ii) to give reasons for his application, and
 - (iii) to rank each application in relation to any other application (whether or not the qualifying scheme relating to the authority's area requires applications to be ranked);
- (c) where the governing body who are the admission authority for a secondary school have made arrangements for another body to determine the order of priority under paragraph 6(b), identify that body;
- (d) identify the authority and each governing body who are the admission authority for a secondary school to which the qualifying scheme applies;
- (e) specify the criteria by which the authority must determine whether a child is to be granted or refused admission to a secondary school in the authority's area in any case where it appears to the authority that the child—
 - (i) is eligible to be granted admission to more than one school for which application has been made on the common application form, or
 - (ii) is not eligible to be granted admission to any school for which such application has been made;
- (f) specify the date by which each of the steps required to be taken in accordance with this Schedule is to be performed;
- (g) provide a procedure for determining any application for the admission of a child to a secondary school which—
 - (i) is made otherwise than in the course of a normal admission round, or
 - (ii) where it is for admission to a relevant age group, is submitted to the authority later than the date stipulated by the scheme.

Duties of LEA under a qualifying secondary scheme relating to applications for in-area schools

- 2. A qualifying secondary scheme must require an authority—
 - (a) in the case of any application made under the common application form for a secondary school in their area for which the governing body are the admission authority, to forward details of the application, together with any supporting information provided by the parent, to the governing body or the body with whom the governing body has made arrangements under paragraph 6(b) (except where that body is the authority);
 - (b) in relation to each application made on the common application form for a school for which the authority are the admission authority, to determine by reference to the school's admissions criteria the order of priority in which the application for the school is ranked;
 - (c) in any case where it appears to the authority, having regard to—
 - (i) any determination made in accordance with sub-paragraph (b), and
 - (ii) any information sent to them in accordance with paragraph 6(c),

that a child in their area is eligible to be granted admission to more than one secondary school, or is not eligible to be offered admission to any school, to determine in accordance with the provisions of the scheme whether the child is to be granted or refused admission to a secondary school in their area;

- (d) in any case where any authority determine in accordance with sub-paragraph (c) that a child is to be granted or refused admission to a secondary school in their area for which they are not the admission authority, to notify the school's governing body of their determination;
- (e) to communicate any determination granting or refusing admission to a secondary school in their area to the parent on the day prescribed by regulation 9(2) (such determination being communicated on behalf of a school's governing body in any case where the authority are not the admission authority for the school); and
- (f) with regard to any application relating to a child living in a different local education authority's area, to notify that authority of their determination.

Additional duties on LEA relating to applications for out-of area schools

3. In any case where a parent in the area of the authority ("the home authority") applies under the common application form for a secondary school in the area of a different local education authority ("the maintaining authority"), a qualifying scheme must—

- (a) require the home authority to notify the maintaining authority and to forward to them details of the application, together with any supporting information provided by the parent; and
- (b) specify—
 - (i) whether, in determining in accordance with paragraph 2(c) whether the child is to be granted or refused admission to any school in their area for which application has also been made, the home authority will have regard to any information provided by the maintaining authority as to whether the child is to be granted admission to a school within that authority's area; and
 - (ii) if so, the effect (if any) that such information will have in relation to any other application made by the parent.

4. Where a maintaining authority are notified by a home authority of a parent's application for a secondary school in their area, a qualifying secondary scheme must require the maintaining authority—

- (a) where they are not the admission authority for the school, to forward to the school's governing body details of the application and any information provided by the parent;
- (b) where they are the admission authority for the school, to determine the order of priority in which the application is ranked;
- (c) having regard to—
 - (i) any determination made in accordance with sub-paragraph (b), or (as the case may be)
 - (ii) any information sent to them in accordance with paragraph 6(c),
to determine in accordance with the provisions of the scheme whether the child is to be granted or refused admission to the school;
- (d) to notify the home authority of their determination; and
- (e) to communicate to the parent any determination granting or refusing admission on the day prescribed by regulation 9(2) (such determination being communicated on behalf of a school's governing body in a case where the authority are not the admission authority for the school).

5. Where paragraphs (i) and (ii) of paragraph 1(a) apply—

- (a) the home authority before making their determination under paragraph 2(c), and the maintaining authority before making their determination under paragraph 4(c), must—
 - (i) each notify the other of their proposed determination, and
 - (ii) in making their determinations, each have regard to the proposed determination of the other,
- (b) where only one of the authorities determines to offer a school place—
 - (i) one authority must communicate to the parent both the authorities' determinations granting or refusing admission on the day prescribed by regulation 9(2) (such determinations being communicated on behalf of a school's governing body in a case where an authority are not the admission authority for a school),
 - (ii) the scheme must specify which of the authorities shall communicate the determinations, and
 - (iii) the requirements of paragraphs 2(e) and 4(e) do not apply in respect of such determinations, and
- (c) paragraph 3(b) shall not apply to the scheme.

Duties of governing body under a qualifying secondary scheme

6. A qualifying secondary scheme must require a governing body who are the admission authority for a secondary school—

- (a) to notify the authority of any application made to the school direct (regardless of whether the parent making the application resides in that authority's area),
- (b) to determine or make arrangements for another body (including the authority) to determine by reference to the school's admissions criteria the order of priority in which each application for the school (whether made to the school direct or under the common application form) is ranked; and
- (c) to notify or, where arrangements have been made under sub-paragraph (b) for another body (not being the authority) to make a determination, to arrange for that body to notify the authority of their determination under sub-paragraph (b).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which come into force on 27th February 2007 make provision for the co-ordination of admission to primary and secondary maintained schools in England.

They are consolidating regulations. They revoke and replace:

The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002,

The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2003,

The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2004,

The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2005,

The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 and

The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) (Amendment) Regulations 2004.

The Regulations are made under sections 89B and 89C of the School Standards and Framework Act 1998 and require local education authorities (with the exception of the Council of the Isles of Scilly) to formulate a qualifying primary scheme and a qualifying secondary scheme, to co-ordinate arrangements for the admission of pupils to primary and secondary schools in their area.

The Regulations are made under sections 89B and 89C of the School Standards and Framework Act 1998 and require local education authorities (with the exception of the Council of the Isles of Scilly) to formulate a qualifying primary scheme and a qualifying secondary scheme, to co-ordinate arrangements for the admission of pupils to primary and secondary schools in their area.

Regulation 4 requires LEAs to formulate qualifying schemes which comply with the requirements of Schedule 2 (primary schemes) or Schedule 3 (secondary schemes). Where a qualifying scheme, or an imposed scheme from the previous year, are adopted by the LEA and relevant governing bodies regulation 4 provides that the duty to formulate a qualifying scheme does not apply. Regulation 5 prescribes the action to be taken by a LEA, including consultation requirements, to secure the adoption of qualifying schemes.

Regulation 6 requires LEAs to notify the Secretary of State when a scheme is adopted, and regulation 7 provides that where an LEA does not so notify the Secretary of State by 15th April in the relevant year, the Secretary of State may impose a scheme.

Regulations 8 and 9 prescribe the dates on which decisions to offer or refuse admission to schools are to be communicated to parents.

They also make one substantive change, by enabling governing bodies which are the admission authority for a school to arrange for another body (including the local education authority) to determine the order of priority in which applications for the school are ranked by reference to the school's admission criteria.

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