

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—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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).