
STATUTORY INSTRUMENTS

2012 No. 8

The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

PART 2

Admission arrangements

CHAPTER 3

Procedure for determining admission arrangements: consultation

Persons who must be consulted

12.—(1) This regulation prescribes for the purposes of section 88C(2) the persons who must be consulted about proposed admission arrangements for a school.

(2) Subject to regulation 14 the following persons must be consulted—

- (a) whichever of the governing body and the local authority are not the admission authority;
- (b) the admission authorities for all other schools in the relevant area;
- (c) where the admission authority for the school are the local authority, any neighbouring local authority;
- (d) parents of children between the ages of two and eighteen who are resident in the relevant area;
- (e) such other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admission arrangements; and
- (f) in the case of a foundation or voluntary aided school which is designated as having a religious character by an order under section 69(3), the body or person representing the religion or religious denomination in question as specified in Schedule 3.

(3) For the purposes of sub-paragraph (2)(b) in the case of a primary school the admission authority need only consult the admission authorities for other primary schools.

(4) For the purposes of sub-paragraph (2)(c) a local authority are “neighbouring”, in relation to another local authority, if the areas of the two authorities adjoin to any extent.

Matters to which consultation is to relate

13.—(1) This regulation prescribes for the purposes of section 88C(2) the matters to which any consultation must relate.

(2) Subject to regulations 14 and 15, consultation must relate to the arrangements (including any supplementary information form) which the admission authority propose to determine as the admission arrangements for the school for the particular academic year, except any exempt arrangements.

- (3) For the purposes of paragraph (2) admission arrangements are exempt to the extent that—
- (a) in the case of a grammar school, they make provision that the school should retain selective admission arrangements as defined by section 104(2) or that the school should cease to have such arrangements in accordance with section 108(1) or section 109(2);
 - (b) section 88C is excluded by section 103(1) and (2)(3) from applying to their determination (making or abandonment of provision for selection which constitutes a prescribed alteration).

Matters about which consultation is not required

14.—(1) Subject to paragraph (2) an admission authority are not required to consult about a proposal to increase or keep the same admission number in any consultation on admission arrangements under section 88C(2) for the academic year 2013-2014 or any subsequent years.

(2) Where the admission authority for a community or voluntary controlled school are the local authority they must consult the governing body of the school if they propose to increase or keep the same admission number.

Circumstances where consultation on admission arrangements is not required

15.—(1) This regulation prescribes for the purposes of section 88C(2) the circumstances in which an admission authority are not required to consult on their proposed admission arrangements.

(2) Subject to paragraphs (3) and (4) an admission authority are not required to consult on their proposed admission arrangements for the academic year 2013-2014 and any subsequent admission year where they consulted on their proposed admission arrangements in accordance with section 88C(2) in any of the seven preceding determination years, and the proposed arrangements are the same as those determined following the last such consultation.

(3) The proposed arrangements are treated as the same for the purpose of paragraph (2) if the only change made to the proposed admission arrangements is one or more of the following changes—

- (a) an increase to the admission number in accordance with regulation 14, or
- (b) a change made to comply with any mandatory requirement in the School Admissions Code or these Regulations.

(4) A consultation required under regulation 14(2) is not to be regarded as a consultation for the purpose of calculating whether an admission authority have consulted in any of the seven preceding determination years in paragraph (2).

Manner of consultation

16.—(1) During a period of consultation an admission authority must—

- (a) publish their proposed admission arrangements on their website (if they have one), together with details of the person within the admission authority to whom comments may be sent, for the duration of the consultation held by virtue of regulation 12(1) and (2), and
- (b) send upon request to each person who must be consulted by virtue of sub-paragraphs (a) to (f) of regulation 12(2) a copy of the proposed admission arrangements, inviting their comments.

(1) Section 108 was amended by the Education and Skills Act 2008 (c.25), Schedule 1, paragraph 70.

(2) Section 109 was amended by the Education and Inspections Act 2006 (c.40), Schedule 3, paragraph 29, and S.I. 2010/1158.

(3) Subsection 103(1) was amended by the Education and Skills Act 2008 (c.25), Schedule 1, paragraph 69. Subsection 103(2) was amended by Education and Inspections Act 2006 (c.40), section 54(3)(a) and (b).

(2) For the purposes of this regulation the proposed admission arrangements must include any exempt arrangements (within the meaning of regulation 13(3)) and the admission number together with an indication as to the matters on which comments are not sought.

(3) Communication under paragraph (1)(b) may be effected by the transmission of a copy of the proposed admission arrangements in electronic form.

Time for consultation and determination of admission arrangements

17.—(1) Subject to paragraph (2) every admission authority must, in respect of their proposed admission arrangements for a school for each academic year, take all steps necessary to ensure that they will have completed any consultation required by section 88C and these Regulations before 1st March in the determination year.

(2) Any consultation—

- (a) must allow consultees at least eight weeks to respond, and
- (b) in the case of consultations in relation to admission arrangements for the academic year 2014-2015 and subsequent years, must start no earlier than 1st November in the determination year.

(3) Every admission authority must determine their admission arrangements by 15th April in the determination year.