



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART III

#### SCHOOL ADMISSIONS

#### CHAPTER I

#### ADMISSION ARRANGEMENTS

#### *Admission arrangements*

#### **88 Admission authorities and admission arrangements.**

- (1) In this Chapter “the admission authority”—
- (a) in relation to a community or voluntary controlled school, means—
    - (i) the local education authority, or
    - (ii) where with the governing body’s agreement the authority have delegated to them responsibility for determining the admission arrangements for the school, the governing body; and
  - (b) in relation to a foundation or voluntary aided school, means the governing body.
- (2) In this Chapter “admission arrangements”, in relation to a maintained school, means the arrangements for the admission of pupils to the school, including the school’s admission policy.

**Modifications etc. (not altering text)**

**C1** S. 88 modified (6.1.1999) by S.I. 1998/3130, reg. 3

*Status: Point in time view as at 01/10/1998. This version of this cross heading contains provisions that are not valid for this point in time.*

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## **89 Procedure for determining admission arrangements.**

- (1) The admission authority for a maintained school shall, before the beginning of each school year, determine in accordance with this section the admission arrangements which are to apply for that year.
- (2) Before determining the admission arrangements which are to apply for a particular school year, the admission authority shall consult the following about the proposed arrangements, namely—
  - (a) the local education authority (where the governing body are the admission authority),
  - (b) the admission authorities for all other maintained schools in the relevant area or for such class of such schools as may be prescribed, and
  - (c) the admission authorities for maintained schools of any prescribed description.
- (3) In subsection (2) “the relevant area” means—
  - (a) the area of the local education authority; or
  - (b) if regulations so provide, such other area (whether more or less extensive than the area of the local education authority) as may be determined by or in accordance with the regulations.
- (4) Once the admission authority have carried out any such consultation, the authority shall—
  - (a) determine that their proposed arrangements (either in their original form or with such modifications as the authority think fit) shall be the admission arrangements for the school year in question; and
  - (b) (except in such cases as may be prescribed) notify the bodies whom they consulted under subsection (2) of those admission arrangements.
- (5) Where an admission authority—
  - (a) have in accordance with subsection (4) determined the admission arrangements which are to apply for a particular school year, but
  - (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined,

the authority shall (except in a case where their proposed variations fall within any description of variations prescribed for the purposes of this subsection) refer the proposed variations to the adjudicator, and shall (in every case) notify the bodies whom they consulted under subsection (2) of the proposed variations.
- (6) The adjudicator shall consider whether the arrangements should have effect with those variations until the end of that year; and if he determines that the arrangements should so have effect or that they should so have effect subject to such modification of those variations as he may determine—
  - (a) the arrangements shall have effect accordingly as from the date of his determination; and
  - (b) the admission authority shall (except in such cases as may be prescribed) notify the bodies whom they consulted under subsection (2) of the variations subject to which the arrangements are to have effect.
- (7) In relation to a maintained school in Wales any reference to the adjudicator in subsection (5) or (6) shall be read as a reference to the Secretary of State.

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- (8) Regulations may make provision—
- (a) specifying matters to which any consultation required by subsection (2) is, or is not, to relate;
  - (b) as to the manner in which, and the time by which, any such consultation is to be carried out;
  - (c) as to the manner in which, and the time by which, any notification required by this section is to be given;
  - (d) specifying matters which are, or are not, to constitute major changes in circumstances for the purposes of subsection (5)(b);
  - (e) authorising an admission authority, where they have in accordance with subsection (4) determined the admission arrangements which are to apply for a particular school year, to vary those arrangements to such extent or in such circumstances as may be prescribed;
  - (f) for the application of any of the requirements of subsections (5) and (6) to variations proposed to be made by virtue of paragraph (e), or to any prescribed description of such variations, as if they were variations proposed to be made under subsection (5);
  - (g) as to such other matters connected with the procedure for determining or varying admission arrangements under this section as the Secretary of State considers appropriate.
- (9) Where the local education authority are the admission authority for a community or voluntary controlled school, they shall—
- (a) when preparing for consultation under subsection (2) their proposed arrangements for any school year, consult the governing body about the admission arrangements which the authority may propose for the school; and
  - (b) in addition consult the governing body before making any reference under subsection (5).

#### Modifications etc. (not altering text)

- C2** S. 89 excluded (6.1.1999 with application as mentioned) (*temp.*) by [S.I. 1998/3198](#), [arts.3, 4](#)  
**C3** [S. 89\(2\)\(b\)](#) modified (6.1.1999 with application as mentioned) by [S.I. 1998/3165](#), [regs.5, 6](#)

#### Commencement Information

- I1** S. 89 wholly in force; s. 89 not in force at Royal Assent see s. 145(3); s. 89(2)-(8) in force for certain purposes at 1.10.1998 by [S.I. 1998/2212](#), [art. 2](#), [Sch. 1 Pt. I](#); s. 89 in force at 6.1.1999 in so far as not already in force by [S.I. 1998/3198](#), [arts. 2, 3](#) and 4

VALID FROM 01/10/2002

#### <sup>F1</sup>89A Determination of admission numbers

- (1) A determination under section 89 by the admission authority for a maintained school of the admission arrangements which are to apply for a school year shall include a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year.

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- (2) Such a determination under section 89 may also, if the school is one at which boarding accommodation is provided for pupils, include—
  - (a) a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year as boarders, and
  - (b) a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year otherwise than as boarders.
- (3) Regulations may make provision about the making of any determination required by subsection (1), and may in particular require the admission authority for a maintained school to have regard, in making any such determination, to—
  - (a) any prescribed method of calculation, and
  - (b) any other prescribed matter.
- (4) References in this section to the determination of any number include references to the determination of zero as that number.]

#### Textual Amendments

- F1** S. 89A inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), **ss. 47(2), 216** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), **art. 3** (with [Sch.](#))

VALID FROM 01/10/2002

#### **[<sup>F2</sup>89B Co-ordination of admission arrangements**

- (1) Regulations may require a local education authority—
  - (a) to formulate, for any academic year in relation to which prescribed conditions are satisfied, a qualifying scheme for co-ordinating the arrangements for the admission of pupils to maintained schools in their area, and
  - (b) to take prescribed action with a view to securing the adoption of the scheme by themselves and each governing body who are the admission authority for a maintained school in their area.
- (2) Subject to subsection (3), the Secretary of State may make, in relation to the area of a local education authority and an academic year, a scheme for co-ordinating the arrangements, or assisting in the co-ordination of the arrangements, for the admission of pupils to maintained schools in that area.
- (3) A scheme may not be made under subsection (2) in relation to a local education authority and an academic year if, before the prescribed date in the year preceding the year in which that academic year commences—
  - (a) a scheme formulated by the local education authority in accordance with subsection (1) is adopted in the prescribed manner by the persons mentioned in paragraph (b) of that subsection, and
  - (b) the authority provide the Secretary of State with a copy of the scheme and inform him that the scheme has been so adopted.

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- (4) The Secretary of State may by regulations require local education authorities to provide other local education authorities with such information as may be required by them in connection with the exercise of any of their functions under this Chapter.
- (5) Regulations may provide—
- (a) that each local education authority shall secure that, subject to such exceptions as may be prescribed, no decision made by any admission authority for a maintained school in their area to offer or refuse a child admission to the school shall be communicated to the parent of the child except on a single day, designated by the local education authority, in each year, or
  - (b) that, subject to such exceptions as may be prescribed, a decision made by the admission authority for a maintained school to offer or refuse a child admission to the school shall not be communicated to the parent of the child except on a prescribed day.
- (6) In this section—
- “academic year” means a period commencing with 1st August and ending with the next 31st July;
- “qualifying scheme” means a scheme that meets prescribed requirements.

#### Textual Amendments

- F2** Ss. 89B, 89C inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), **ss. 48, 216** (with **ss. 210(8), 214(4)**); [S.I. 2002/2439](#), **art. 3** (with [Sch.](#))

VALID FROM 01/10/2002

#### **89C Further provision about schemes adopted or made by virtue of section 89B**

- (1) Regulations may make provision about the contents of schemes under section 89B(2), including provision about the duties that may be imposed by such schemes on—
- (a) local education authorities, and
  - (b) the admission authorities for maintained schools.
- (2) Regulations may provide that where a local education authority or the governing body of a maintained school have, in such manner as may be prescribed, adopted a scheme formulated by a local education authority for the purpose mentioned in section 89B(1)(a), sections 496 and 497 of the Education Act 1996 shall apply as if any obligations imposed on the local education authority or governing body under the scheme were duties imposed on them by that Act.
- (3) Regulations may provide that where any decision as to whether a child is to be granted or refused admission to a maintained school falls to be made in prescribed circumstances, the decision shall, if a scheme adopted or made by virtue of this section so provides, be made by the local education authority regardless of whether they are the admission authority for the school.

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- (4) Before proposing a scheme for adoption under section 89B(1) a local education authority shall comply with such requirements as to consultation as may be prescribed.
- (5) Regulations under subsection (4) may in particular require consultations to be undertaken with a view to securing that the arrangements for the admission of pupils to maintained schools in the areas of different local education authorities are, so far as is reasonably practicable, compatible with each other.
- (6) Before making a scheme under section 89B(2) in relation to the area of any local education authority, the Secretary of State shall consult—
  - (a) the local education authority, and
  - (b) any governing body who are the admission authority for a school which appears to the Secretary of State to be a school to which the scheme will apply.
- (7) A scheme made under section 89B(2) may be varied or revoked by the Secretary of State.]

#### Textual Amendments

**F2** Ss. 89B, 89C inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), **ss. 48, 216** (with **ss. 210(8), 214(4)**); [S.I. 2002/2439](#), **art. 3** (with [Sch.](#))

## 90 Reference of objections to adjudicator or Secretary of State.

- (1) Where—
  - (a) admission arrangements have been determined by an admission authority under section 89(4), but
  - (b) a body consulted by the admission authority under section 89(2) wish to make an objection about those arrangements, and
  - (c) the objection does not fall within any description of objections prescribed for the purposes of this paragraph,
 that body may refer the objection to the adjudicator.
- (2) Where—
  - (a) admission arrangements have been determined by an admission authority under section 89(4), but
  - (b) any parent of a prescribed description wishes to make an objection about those arrangements, and
  - (c) the objection falls within any description of objections prescribed for the purposes of this paragraph,
 that person may refer the objection to the adjudicator.
- (3) On a reference under subsection (1) or (2) the adjudicator shall either—
  - (a) decide whether, and (if so) to what extent, the objection should be upheld, or
  - (b) in such cases as may be prescribed, refer the objection to the Secretary of State for that question to be decided by him.

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- (4) Where the objection is referred to the Secretary of State under subsection (3)(b), the adjudicator shall, if the Secretary of State so requests, give his advice on the question referred to in that provision.
- (5) In relation to a maintained school in Wales—
  - (a) the reference to the adjudicator in subsection (1) or (2) shall be read as a reference to the Secretary of State;
  - (b) subsections (3) and (4) shall not apply; and
  - (c) where any objection is referred to the Secretary of State by virtue of paragraph (a) above, he shall decide whether, and (if so) to what extent, the objection should be upheld.
- (6) Where the adjudicator or the Secretary of State decides that an objection referred to him under this section should be upheld to any extent, his decision on the objection may specify the modifications that are to be made to the admission arrangements in question.
- (7) In the case of any objection referred to him under this section, the adjudicator or the Secretary of State (as the case may be) shall publish his decision on the objection and the reasons for it.
- (8) The decision of the adjudicator or the Secretary of State on the objection shall, in relation to the admission arrangements in question, be binding on the admission authority and on all persons by whom an objection about those arrangements may be made under subsection (1) or (2); and if that decision is to uphold the objection to any extent, those arrangements shall forthwith be revised by the admission authority in such a way as to give effect to the decision.
- (9) Regulations may make provision—
  - (a) as to any conditions which must be satisfied before—
    - (i) an objection can be referred to the adjudicator or the Secretary of State under subsection (1) or (2), or
    - (ii) the adjudicator or the Secretary of State is required to determine an objection referred to him under subsection (2);
  - (b) prescribing the steps which may be taken by an admission authority where an objection has been referred to the adjudicator or the Secretary of State under subsection (1) or (2) but has not yet been determined;
  - (c) as to the manner in which any matters required to be published under subsection (7) are to be published;
  - (d) requiring such matters to be notified to such persons, and in such manner, as may be prescribed;
  - (e) prohibiting or restricting the reference under subsection (1) or (2), within such period following a decision by the adjudicator or the Secretary of State under this section as may be prescribed, of any objection raising the same (or substantially the same) issues in relation to the admission arrangements of the school in question;
  - (f) prescribing circumstances in which an admission authority may revise the admission arrangements for their school in the light of any decision by the adjudicator or the Secretary of State relating to the admission arrangements for another school, and the procedure to be followed in such a case.

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- (10) Regulations shall make provision for the cases to be referred to the Secretary of State under subsection (3)(b) to include cases where the objection is concerned with admissions criteria relating to a person’s religion or religious denomination.

#### Commencement Information

- I2** S. 90 wholly in force at 1.4.1999; s. 90 not in force at Royal Assent see s. 145(3); s. 90(1)-(3), (5), (9) and (10) in force for certain purposes at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I; s. 90 in force at 1.4.1999 in so far as not already in force by S.I. 1999/1016, art. 2(1), Sch. 1 (with arts. 3-6, Sch. 4).

### 91 Special arrangements to preserve religious character of foundation or voluntary aided school.

- (1) This section makes provision for the inclusion in the admission arrangements for a foundation or voluntary aided school which has a religious character of arrangements in respect of the admission of pupils to the school for preserving the religious character of the school (“special arrangements”).
- (2) Where any special arrangements desired by the governing body of such a school are agreed to by the local education authority—
- (a) the governing body may incorporate them in the proposed admission arrangements for a school year which are subject to consultation under section 89(2); and
  - (b) if the governing body do so, subsection (1) of section 90 shall apply to any objection about the special arrangements which—
    - (i) is made by any of the admission authorities consulted under section 89(2)(b) or (c), and
    - (ii) falls within that subsection,
 as it applies to any other objection falling within that subsection.
- (3) Where any special arrangements desired by the governing body of such a school are not agreed to by the local education authority—
- (a) the governing body may incorporate a draft of any such arrangements in the proposed admission arrangements for a school year which are subject to consultation under section 89(2); but
  - (b) if the governing body do so—
    - (i) they shall refer the draft arrangements to the adjudicator, and
    - (ii) they shall not determine to adopt those arrangements for inclusion in the admission arrangements for the school unless (and to the extent that) the adjudicator or the Secretary of State decide under this section that they may do so, and
    - (iii) any of the bodies consulted under section 89(2) may make an objection in the prescribed manner to the adjudicator about the draft arrangements.
- (4) On such a reference the adjudicator shall either—
- (a) decide whether (having regard to any objections received by him under subsection (3)) the draft arrangements may be adopted by the governing body, whether with or without modification, or



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- (b) in such cases as may be prescribed, refer the draft arrangements (and any objections so received) to the Secretary of State for that question to be decided by him.
- (5) Where the draft arrangements are referred to the Secretary of State under subsection (4)(b), the adjudicator shall, if the Secretary of State so requests, give his advice on the question referred to in that provision.
- (6) In relation to a maintained school in Wales—
- (a) any reference to the adjudicator in subsection (3)(b)(i) or (iii) shall be read as a reference to the Secretary of State;
  - (b) subsections (4) and (5) shall not apply; and
  - (c) where any draft arrangements are referred to the Secretary of State by virtue of paragraph (a) above, he shall decide whether (having regard to any objections received by him by virtue of that paragraph) the draft arrangements may be adopted by the governing body, whether with or without modification.
- (7) In the case of any draft arrangements referred to him under this section, the adjudicator or the Secretary of State (as the case may be) shall publish his decision on the reference and the reasons for it.
- (8) The decision of the adjudicator or the Secretary of State on any such reference shall, in relation to the draft arrangements in question, be binding on the governing body and on all the bodies whom they consulted under section 89(2).
- (9) Regulations under section 90(3)(b) or (9) shall apply in relation to references and objections made under this section with such modifications as may be prescribed.
- (10) Where a governing body have, in accordance with the preceding provisions of this section (and, so far as applicable, sections 89 and 90), determined that the admission arrangements for their school should include any special arrangements, those provisions shall apply, with any necessary modifications, on any subsequent occasion—
- (a) when the governing body desire to modify those special arrangements; or
  - (b) where the local education authority agreed to any such arrangements, when the authority withdraw their agreement to those arrangements or any part of them, whether with a view to seeking any modification of them or otherwise.

#### **Modifications etc. (not altering text)**

- C4** S. 91 restricted (29.3.1999) by S.I. 1999/1016, art. 6, Sch. 4 paras. 1, 3  
S. 91 modified (*temp.*) (22.4.1999) by S.I. 1999/1064, reg. 4

#### **Commencement Information**

- I3** S. 91 wholly in force at 1.4.1999; s. 91 not in force at Royal Assent see s. 145(3); s. 91(2)-(4), (6) and (9) in force for certain purposes at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I; s. 91 in force at 1.4.1999 in so far as not already in force by S.I. 1999/1016, art. 2(1), Sch. 1 (with arts. 3-6, Sch. 4).

## **92 Publication of information about admissions.**

- (1) A local education authority shall, for each school year, publish the prescribed information about—
- (a) the admission arrangements for each of the following, namely—

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- (i) the maintained schools in their area, and
  - (ii) if regulations so provide, such maintained schools outside their area as may be determined by or in accordance with the regulations;
  - (b) the authority's arrangements for the provision of education at schools maintained by another local education authority or not maintained by a local education authority;
  - (c) the arrangements made by the authority under sections 86(1) (parental preferences) and 94(1) (admission appeals); and
  - (d) such other matters of interest to parents of pupils seeking admission to schools within paragraph (a) or (b) above as may be prescribed.
- (2) The governing body of a foundation or voluntary aided school shall, for each school year, publish the prescribed information about—
- (a) the admission arrangements for the school;
  - (b) the arrangements made by the governing body under section 94(2) (admission appeals); and
  - (c) such other matters of interest to parents of pupils seeking admission to the school as may be prescribed.
- (3) The governing body of a school maintained by a local education authority—
- (a) shall publish such information as respects that school as may be required by regulations; and
  - (b) may publish such other information with respect to the school as they think fit.
- (4) For the purposes of subsection (3) information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.
- (5) A local education authority may, with the agreement of the governing body of any school maintained by the authority, publish on behalf of the governing body the information referred to in subsection (2) or (3).
- (6) Regulations may make provision as to—
- (a) the procedure to be followed by a local education authority before publishing information under subsection (1); and
  - (b) the time by which, and the manner in which, information required to be published under any provision of this section is to be published.

#### **Modifications etc. (not altering text)**

- C5** S. 92 restricted (29.3.1999) by S.I. 1999/1016, art. 6, Sch. 4 paras. 1, 4  
 S. 92 applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(c), 2-8  
 S. 92 applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, 2-8.

#### **Commencement Information**

- I4** S. 92 wholly in force at 1.4.1999; s. 92 not in force at Royal Assent see s. 145(3); s. 92 in force for certain purposes at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I; s. 92 in force at 1.4.1999 in so far as not already in force by S.I. 1999/1016, art. 2(1), Sch. 1 (with arts. 3-6, Sch. 4).

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