



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART III

#### SCHOOL ADMISSIONS

### CHAPTER I

#### ADMISSION ARRANGEMENTS

##### *Admission arrangements*

## **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

[<sup>F1</sup>(b) an appropriate body wishes 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,

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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.
- (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.
- [<sup>F2</sup>(5A) Where the adjudicator or the Secretary of State is required by virtue of subsection (3) (a) or (b) or (5)(c) to decide whether to uphold an objection to admission arrangements, he may consider whether it would be appropriate for changes to be made to any aspect of the admission arrangements, whether or not he would be required to do so for the purpose of determining the objection.
- (5B) In the case of any objection referred to him under this section, the adjudicator or the Secretary of State (as the case may be) must publish a report containing the following—
- (a) his decision on the objection,
  - (b) any decision he has made on whether it would be appropriate for changes to be made to the admission arrangements, whether in the light of his decision on the objection or otherwise,
  - (c) if, in relation to a maintained school in England, he considers that any change required ought not to be protected under section 90A for the number of school years prescribed under section 90A(2), that section 90A is not to apply to that change or that the change will be protected only for such lesser number of school years as he may specify, and
  - (d) his reasons for the decisions mentioned in paragraphs (a) to (c).
- (5C) Where the adjudicator or the Secretary of State (as the case may be) decides that it would be appropriate for changes to be made to the admission arrangements, his decision may specify the modifications that are to be made to the arrangements.]
- (6) [<sup>F3</sup>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) [<sup>F3</sup>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) [<sup>F4</sup>The decisions of the adjudicator or the Secretary of State mentioned in subsection (5B)(a) and (b) shall, in relation to the admission arrangements in question,

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be binding on the admission authority and on all persons by whom an objection may be made under subsection (1) or (2); and, if the adjudicator or the Secretary of State has decided that it would be appropriate for changes to be made to the admission arrangements, 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;
  - <sup>F5</sup>(ba) requiring an admission authority for a maintained school in England to provide information which—
    - (i) falls within a prescribed description, and
    - (ii) is requested by the adjudicator or the Secretary of State for the purposes of his functions under this section;
  - (c) as to the manner in which <sup>F6</sup>any matters required to be published under subsection (7) are] <sup>F6</sup>a report required to be published under subsection (5B) is] 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.
- (10) <sup>F7</sup>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.]
- <sup>F8</sup>(11) In this section, “appropriate body” means, in relation to the admission arrangements determined by an admission authority—
- (a) any body or person whom the admission authority were required to consult under subsection (2) of section 89, or would but for subsection (2A) of that section have been required to consult, and
  - (b) in the case of admission arrangements determined by an admission authority for a maintained school in England, the admission forum for the area of the local education authority in which the school is situated.]

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### Textual Amendments

- F1** S. 90(1)(b) substituted (27.2.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 41(8)(a)**, 188(3); S.I. 2006/3400, art. 7(a)
- F2** S. 90(5A)-(5C) inserted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 47(2)**, 188(3); S.I. 2006/3400, art. 6(d)
- F3** S. 90(6)(7) repealed (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 47(3), 188(3), **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 6(d)(g)
- F4** S. 90(8) substituted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 47(4)**, 188(3); S.I. 2006/3400, art. 6(d)
- F5** S. 90(9)(ba) inserted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 47(5)(a)**, 188(3); S.I. 2006/3400, art. 6(d)
- F6** Words in s. 90(9)(c) substituted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 47(5)(b)**, 188(3); S.I. 2006/3400, art. 6(d)
- F7** S. 90(10) repealed (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 47(6), 188(3), **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 6(d)(g)
- F8** S. 90(11) inserted (27.2.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 41(8)(b)**, 188(3); S.I. 2006/3400, art. 7(a)

### Modifications etc. (not altering text)

- C1** S. 90 transitional provisions for effects of 2002 c. 32, Sch. 4 para. 6 (W.) (1.2.2006) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(Wales\) Regulations 2006 \(S.I. 2006/173\)](#), regs. 1(1), 7

### Commencement Information

- I1** 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. 1**; 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**).

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