

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 3: Further Provisions about Maintained Schools

Section 50: Direction to admit looked after child to specified school

233. This section inserts new sections 97A and 97B into the 1998 Act and amends sections 84, 89 and 143 of that Act.
234. *Subsection (1)* inserts new sections 97A and 97B. Section 97A enables local authorities in England, in relation to a child looked after by them, to direct an admission authority to admit the child to a school in England. (This does not apply where the local authority are the admission authority for the school as it is unnecessary to provide a power for a local authority to direct admission in such a case.) A local authority cannot direct admission to a school from which the child has been permanently excluded.
235. Section 97B requires the local authority to consult the admission authority they are proposing to direct and gives the admission authority seven days to respond. If the admission authority does not agree to admit the child but the local authority decide to give a direction, the local authority must serve a notice of their decision to direct on the admission authority, the head teacher and, in certain circumstances, on the local authority who maintain the school and the governing body (where it is not the admission authority). On receipt of such a notice the admission authority and, in certain circumstances, the governing body (where it is not the admission authority) have the power to refer the matter to the adjudicator within seven days. Such a referral may only be made on the grounds that the admission of the child would cause serious prejudice to the provision of efficient education or the efficient use of resources.
236. If the adjudicator is satisfied that the child's admission would have this effect then the local authority may not give the direction but the adjudicator may determine that another school in England should admit the child. Before determining another school, the adjudicator must have the agreement of the local authority that looks after the child. The adjudicator cannot determine a school if the child has been permanently excluded from the school or if the admission of the child to the school would cause serious prejudice. If the local authority who look after the child are the admission authority for the school determined by the adjudicator, they must admit the child. Otherwise, the local authority must specify that school in their direction under section 97A (which must be in writing).
237. *Subsections (2), (3) and (4)* make minor amendments relating to the provision made by *subsection (1)*.