

2006 No. 128

EDUCATION, ENGLAND

**The Education (Admission of Looked After Children) (England)
Regulations 2006**

<i>Made</i>	- - - -	<i>25th January 2006</i>
<i>Laid before Parliament</i>		<i>31st January 2006</i>
<i>Coming into force</i>	- -	<i>21st February 2006</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 89(1A) and 138(7) of the School Standards and Framework Act 1998(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as The Education (Admission of Looked After Children) (England) Regulations 2006 and shall come into force on 21st February 2006.

(2) These Regulations apply only in relation to England.

(3) These Regulations apply only in relation to admission arrangements under which pupils are to be admitted to maintained schools in England in the school year 2007/2008 and any subsequent school year.

Interpretation

2.—(1) In these Regulations —

“the 1998 Act” means the School Standards and Framework Act 1998;

“relevant looked after child” means a child who is looked after by a local authority in accordance with section 22 of the Children Act 1989(b) at the time an application for his admission to a school is made, and who the local authority has confirmed will still be looked after at the time when he is admitted to the school;

“oversubscription criteria” means the criteria to be used to allocate places at a school if the admission authority receives more applications than there are places available.

(2) Any reference in these Regulations to an admission authority for a school giving priority in its oversubscription criteria to a relevant looked after child is a reference to the authority giving priority to such a child when determining its admission arrangements before the beginning of each school year in accordance with section 89(1) of the 1998 Act.

(a) 1998 c.31; section 89(1A) was inserted by section 106 of the Education Act 2005 (c. 18). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 119(1) of the Education Act 2005 the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

(b) 1989 c.41.

Action to be taken by an admission authority to give priority to looked after children in its admission arrangements

3. Except where regulations 4, 5, 6, or 7 apply, an admission authority for a maintained school shall give first priority in its oversubscription criteria to all relevant looked after children.

Grammar Schools

4.—(1) This regulation applies to an admission authority for a grammar school as defined by section 104 (7) of the 1998 Act.

(2) No priority need be given to a relevant looked after child where the arrangements for the admission of pupils are wholly based on selection by reference to ability and where only those pupils who achieve the highest ranked results in any selection test shall be admitted.

(3) Where paragraph (2) does not apply, the admission authority shall give first priority in its oversubscription criteria to all relevant looked after children who meet the pre-set standard of the school.

Schools which have been designated as having a religious character

5.—(1) This regulation applies to an admission authority for a school which has been designated by the Secretary of State as a school which has a religious character, in accordance with section 69(3) of the 1998 Act.

(2) The admission authority may give first priority in its oversubscription criteria to all relevant looked after children, whether or not they are of the same faith as that which applies to the school in accordance with its designation, and shall in any event—

- (a) give first priority to all relevant looked after children who are of that faith over all other children of that faith, and
- (b) give higher priority to all relevant looked after children not of that faith than all other children not of that faith.

Schools which have pre-existing arrangements for selection

6.—(1) This regulation applies to an admission authority for a school which at the beginning of the 1997-1998 school year made provision in their admission arrangements for selection by ability or by aptitude and has at all times since that date continued to do so, in accordance with section 100(1) of the 1998 Act.

(2) The admission authority shall give first priority in its oversubscription criteria to all relevant looked after children who have been selected for admission by reference to ability or aptitude over all other children who have been selected for admission by reference to ability or aptitude.

(3) Where the admission authority has allocated places in accordance with paragraph (2), all relevant looked after children who have not been allocated a place on the basis of their ability or aptitude shall be given higher priority in the oversubscription criteria than all other children who have not been offered a place on the basis of their ability or aptitude.

Schools which select by pupil banding

7.—(1) This regulation applies to an admission authority for a school which makes provision for selection by ability to the extent that the arrangements are designed to secure that there is equal representation of all levels of ability among applicants, in accordance with section 101(1) of the 1998 Act.

(2) The admission authority shall give first priority in its oversubscription criteria to a relevant looked after child within each band over another child who is eligible for a school place within that band.

25th January 2006

Ruth Kelly
Secretary of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 21st February 2006, prescribe the actions to be taken and the circumstances in which an admission authority for a maintained school must give priority in their admission arrangements to a “relevant looked after child” (a child who is looked after by a local authority within the meaning of section 22 of the Children Act 1989 at the time of their application and who will still be so looked after at the time when he is admitted to school).

Regulation 3 requires admission authorities to give priority in their oversubscription criteria to relevant looked after children, subject to the exceptions below.

Regulation 4 specifies that only those grammar schools which select pupils who have reached a pre-set standard of the school need give priority in their oversubscription criteria to relevant looked after children. Grammar schools which select pupils on the basis of highest ranked results need not give priority to relevant looked after children.

Regulation 5 allows admission authorities for schools designated as having a religious character to give first priority in their oversubscription criteria to all relevant looked after children, regardless of their faith. The regulation requires them, in any event, to give higher priority to relevant looked after children of the faith of the school, over other children of that faith, and to give higher priority to relevant looked after children not of that faith than other children not of that faith.

Regulation 6 requires admission authorities for schools which have made provision in their admission arrangements for selection by ability or aptitude since the beginning of the 1997-1998 school year to give priority to relevant looked after children who have been selected by ability or aptitude over other children who have been selected by ability or aptitude. Relevant looked after children who have not been allocated a place on the basis of ability or aptitude must be given priority over other children who have not been allocated a place on that basis.

Regulation 7 requires admission authorities for schools which make provision for selection by banding to give priority to relevant looked after children within each band.

The Department considers that these Regulations will have no effect on the costs of businesses and accordingly a Regulatory Impact Assessment has not been prepared.

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