
STATUTORY INSTRUMENTS

2007 No. 194

The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007

Citation, commencement and application

1.—(1) These Regulations may be cited as The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007 and come into force on 27th February 2007.

(2) Subject to paragraph (3) these Regulations apply only in relation to the arrangements under which pupils are to be admitted to maintained primary and secondary schools in England in the academic year 2008-2009 and subsequent years.

(3) These Regulations do not apply to the Council of the Isles of Scilly.

Revocation of Regulations

2. The Regulations set out in Schedule 1 to these Regulations are revoked.

Interpretation

3.—(1) In these Regulations—

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

“application”, in relation to arrangements made by a local education authority under section 86(1) of the 1998 Act, means a parent’s expression of a preference as to the school at which he wishes primary or, as the case may be, secondary education to be provided for his child in the exercise of the authority’s functions;

“authority” means the local education authority formulating a qualifying scheme in accordance with regulation 4 or, as the case may be, for whose area an imposed scheme has been, or is to be, made;

“the determination year” relating to any academic year means the year preceding the year in which the academic year commences;

“imposed scheme” means a scheme for co-ordinating the arrangements for the admission of pupils to primary schools or, as the case may be, secondary schools made by the Secretary of State under section 89B(2) of the 1998 Act and imposed in accordance with regulation 7;

“qualifying scheme” means a scheme for co-ordinating the arrangements for the admission of pupils to primary schools or, as the case may be, secondary schools in the local education authority’s area formulated by an authority pursuant to section 89B(1)(a) of the 1998 Act and these Regulations;

“qualifying primary scheme” and “qualifying secondary scheme” have the meanings given in regulation 4(1);

“school” means a community, foundation or voluntary school; and

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971⁽¹⁾.

(2) Where an application for the admission of a child to a relevant age group at a primary school is submitted later than the date stipulated by a qualifying scheme (or, as the case may be, an imposed scheme), it shall be considered to have been submitted in the course of a normal admission round if—

- (a) the relevant admission authority for the school determine, in accordance with the school’s admission arrangements, the order of priority in which the application is ranked (or where the governing body are the admission authority for the school and have made arrangements for another body to determine the order of priority in which applications are ranked under paragraph 3(b) of Schedule 2, that body determines the order of priority in which the application is ranked); and
- (b) a determination relating to the application is made by an authority on or before the date designated by them in accordance with the provisions of regulation 8.

(3) Where an application for the admission of a child to a relevant age group at a secondary school is submitted later than the date stipulated by a qualifying scheme (or, as the case may be, an imposed scheme), it shall be considered to have been submitted in the course of a normal admission round if—

- (a) the relevant admission authority for the school determine, in accordance with the school’s admission arrangements, the order of priority in which the application is ranked (or where the governing body are the admission authority for the school and have made arrangements for another body to determine the order of priority in which applications are ranked under paragraph 6(b) of Schedule 3, that body determines the order of priority in which the application is ranked); and
- (b) a determination relating to the application is made by an authority on or before the date prescribed by regulation 9(2).

Formulation of qualifying schemes

4.—(1) Subject to paragraphs (2) and (3), in relation to each academic year to which these Regulations apply, an authority must formulate a qualifying scheme in relation to each primary school in their area (a “qualifying primary scheme”), and a qualifying scheme in relation to each secondary school in their area (a “qualifying secondary scheme”).

(2) A qualifying primary scheme must comply with the requirements in Schedule 2, and a qualifying secondary scheme must comply with the requirements in Schedule 3.

(3) The duty in paragraph (1) to formulate a scheme does not apply where—

- (a) a qualifying scheme has been adopted in relation to an academic year by the authority and each governing body who are the admission authority for a primary school or, as the case may be, a secondary school in their area, and after reviewing the scheme the authority consider that it should again be adopted by themselves and each of those governing bodies in relation to the academic year immediately following; or
- (b) an imposed scheme has been made or has effect in relation to the preceding academic year and has not been revoked, and the authority, after reviewing the scheme, consider that the scheme should be adopted by themselves and each governing body who are the admission authority for a primary school or, as the case may be for a secondary school in their area in relation to the academic year immediately following.

(1) 1971 c.80.

Action to be taken by a local education authority to secure adoption of a qualifying scheme

5.—(1) This regulation prescribes for the purposes of section 89B(1)(b) of the 1998 Act the action to be taken by an authority with a view to securing the adoption of a qualifying scheme by themselves and each governing body who are the admission authority for a primary school or, as the case may be, a secondary school in their area.

(2) Subject to paragraphs (3) and (4), an authority must formulate a qualifying primary scheme and a qualifying secondary scheme no later than 1st January in the relevant determination year.

(3) The authority must refer a qualifying scheme which they propose should be adopted in their area to any Admission Forum established for that area under section 85A(2) of the 1998 Act and must have regard to any advice or recommendations of the Forum.

(4) After taking the action required by paragraph (3), the authority must consult the following about any proposed qualifying scheme, namely—

- (a) (i) in respect of a proposed qualifying primary scheme, each governing body who are the admission authority for a maintained primary school in their area, or
- (ii) in respect of a proposed qualifying secondary scheme, each governing body who are the admission authority for a maintained school in their area; and
- (b) any other local education authority as the authority may determine.

(5) The consultation pursuant to paragraph (4)(b) must be undertaken with a view in particular to securing that the arrangements for the admission of pupils to primary schools or, as the case may be, secondary schools in the areas of different local education authorities are, so far as is reasonably practicable, compatible with each other.

(6) Once the authority have carried out any consultation required under this regulation they must determine the qualifying scheme (either in its original form or with such modifications as the authority think fit) which they propose should apply for the academic year in question and must take all reasonable steps to secure its adoption by themselves and each governing body they consulted in relation to it.

Information to be provided to the Secretary of State

6. Where, following the action required to be taken under regulation 5, an authority secure agreement to the adoption of a qualifying scheme, or where the authority adopt a scheme pursuant to regulation 4(3), they must inform the Secretary of State accordingly and provide the Secretary of State with a copy of the scheme.

Making of a scheme by the Secretary of State

7.—(1) In any case where by 15th April in the relevant determination year an authority have not informed the Secretary of State in accordance with regulation 6 that a scheme has been adopted in relation to each primary school or, as the case may be, each secondary school in their area—

- (a) an imposed primary scheme (or, as the case may be, an imposed secondary scheme) may be made, or
- (b) where an imposed scheme has been made or has effect in relation to the preceding year and has not been revoked, the Secretary of State may notify the authority that that scheme shall continue to have effect in relation to the academic year immediately following.

(2) An imposed primary scheme may make provision corresponding to the requirements of a qualifying primary scheme, and an imposed secondary scheme may make provision corresponding to the requirements of a qualifying secondary scheme.

(2) Section 85A was inserted by section 45 of the Education Act 2002.

Date on which decisions in relation to primary school admissions are to be communicated to parents

8.—(1) Subject to paragraphs (3), (4) and (5), an authority must designate in accordance with section 89B(5)(a) of the 1998 Act, the single day in each year on which an authority’s determination in accordance with the provisions of a qualifying primary scheme to offer or refuse a child admission to a primary school in their area is to be communicated to a parent.

(2) Paragraph (3) applies in any case where, in accordance with the scheme in question, children may be admitted to a relevant age group at a primary school pursuant to more than one normal admission round.

(3) Where this paragraph applies an authority must designate, in relation to each additional normal admission round, the single day on which a determination referred to in paragraph (1) is to be communicated to a parent.

(4) This regulation does not apply to applications made otherwise than in the course of a normal admission round.

Date on which decisions in relation to secondary school admissions are to be communicated to parents

9.—(1) Subject to paragraph (3), this regulation prescribes for the purposes of section 89B(5)(b) of the 1998 Act, the single day in each year on which an authority’s determination in accordance with the provisions of a qualifying secondary scheme or an imposed secondary scheme to offer or refuse a child admission to a secondary school in their area is to be communicated to a parent.

(2) The prescribed day is 1st March in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day is the next working day.

(3) This regulation does not apply to applications made otherwise than in the course of a normal admission round.

Sections 496 and 497 of the Education Act 1996

10. Sections 496 and 497 of the Education Act 1996(3) applies to an authority or a governing body as if any of the obligations imposed on them under a qualifying scheme or an imposed scheme were duties imposed on them under that Act.

29th January 2007

Jim Knight
Minister of State
Department for Education and Skills