

EXPLANATORY MEMORANDUM TO
THE SCHOOL ADMISSIONS (CO-ORDINATION OF ADMISSION
ARRANGEMENTS) (ENGLAND) REGULATIONS 2007

2007 No. 194

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

- 2.1 This instrument consolidates previous Regulations (listed in paragraph 4.1) and makes provision for the co-ordination of admission to primary and secondary maintained schools in England. It requires local education authorities to formulate separate ‘schemes’, setting out arrangements for co-ordinating the admission of pupils to primary and secondary schools in their area.
- 2.2 The authority must refer their proposed scheme to the local Admission Forum, and have regard to any advice or recommendations they may make. They may also consult other LEAs with a view to ensuring that arrangements for admission to schools in other LEA areas are compatible. The authority must also consult each governing body, which is the admission authority for a school in the area, on its proposed scheme.
- 2.3 Having consulted, and made any modifications they see fit, the authority must determine the scheme, take steps to secure its adoption by themselves and all governing bodies consulted, and notify the Secretary of State (by 15 April). If the authority does not notify the Secretary of State, he may impose a scheme.
- 2.4 Offers of school places must be communicated to parents on a day designated by the scheme for primary admissions, and on 1 March for secondary admissions.
- 2.5 These Regulations make one substantive change. They enable a governing body who are the admission authority for a school, to arrange for another body (including the LEA) to determine the order of priority in which applications for the school are ranked by reference to the school’s admission criteria.

3. Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None

4. Legislative Background

- 4.1 These are consolidating Regulations. They revoke and replace:

The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002 (S.I. 2002/2903)

The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2003 (S.I. 2003/2751)

The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2004 (S.I. 2004/1515)

The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England)

(Amendment) Regulations 2005 (S.I. 2005/2)

The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 (S.I. 2002/2904)

The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) (Amendment) Regulations 2004 (S.I. 2004/1516)

- 4.2 The Regulations are made under sections 89B, 89C, 138 and 144 of the School Standards and Framework Act 1998 and require local education authorities (except the Council of the Isles of Scilly) to formulate primary and secondary schemes to co-ordinate admissions to primary and secondary schools.
- 4.3 Regulation 4 requires LEAs to formulate schemes that comply with Schedule 2 (primary school schemes) and Schedule 3 (secondary school schemes).
- 4.4 Regulation 5 prescribes the action to be taken by an LEA, including the requirement to consult locally, to secure the adoption of schemes. Regulation 6 requires LEAs to inform the Secretary of State when a scheme is adopted, and Regulation 7 provides for the Secretary of State to impose a scheme where the LEA does not make such notification by 15 April. Regulations 8 and 9 prescribe the dates on which decisions on admission to schools are to be communicated to parents.
- 4.5 Paragraph 3 of Schedule 2 and paragraph 6 of Schedule 3 make a substantive change by enabling a governing body who are the admission authority for a school, to arrange for another body (including the LEA) to determine the order of priority in which applications for the are ranked by reference to the school's admission criteria. The school would continue to determine and be responsible for its own admissions policy, but could commission another body to consider applications against admission criteria on its behalf. During passage of the Education & Inspections Act, Ministers said, in response to a proposed amendment on 'admissions administration', that they would seek volunteers willing to pilot such an approach, but this amendment was needed to facilitate it.

5. Territorial Extent and Application

- 5.1 This instrument applies to England, with the exception of the Isles of Scilly.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The purpose of co-ordinated admission schemes is to establish mechanisms, using a 'common application form', for ensuring, so far as reasonably practicable, that every parent of a child living in a local authority's area who has applied for a school place in the 'normal admission round' receives an offer of one, and only one, school place on the same day. It avoids the situation where some parents hold multiple school place offers, to the detriment of others who may have none. This does not affect the rights of schools that are their own admission authority to set and apply their own admission arrangements. The co-ordinated schemes are an administrative process to make school admissions easier, more transparent and less stressful for parents.
- 7.2 These Regulations include a new provision enabling admission authorities to decide whether they wish to commission another body to consider the

applications on their behalf, if their admission arrangements lend themselves to it.

Consultation

7.3 A public consultation took place via the Department for Education and Skills Consultation website on the substantive change made by these regulations, alongside the School Admissions Code, between 8 September and 1 December. Members of both Houses were given a copy of the draft regulations at this time as part of a consultation pack called 'School Admissions Consultation 2006'. Local authorities, schools, parent groups, faith groups and other representative organisations were consulted. The Council on Tribunals was consulted separately. No consultation responses were received on these regulations.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

9.1 Clare Howe at the Department for Education and Skills Tel: 01325 391292 or e-mail: clare.howe@dfes.gsi.gov.uk can answer any queries regarding the instrument.