
STATUTORY INSTRUMENTS

2008 No. 3089

The School Admissions (Admission Arrangements) (England) Regulations 2008

PART 3

Admission arrangements: looked after children

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

7.—(1) Except where regulations 8, 9, 10 or 11 apply, an admission authority must give first priority in its oversubscription criteria to all relevant looked after children.

(2) For the purposes of this Part—

- (a) “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(1) at the time an application 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; and
- (b) any reference to an admission authority 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 88C;

Grammar schools

8.—(1) This regulation applies to an admission authority for a grammar school as defined by section 104(7).

(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 provide for only those pupils who achieve the highest ranked results in any selection test to be admitted.

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

Schools designated as having a religious character

9.—(1) This regulation applies to an admission authority for a school which has been designated as having a religious character by an order under section 69(3).

(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 must 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 with pre-existing selection arrangements

10.—(1) This regulation applies to an admission authority for a school which has pre-existing selection arrangements.

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

(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 must 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

11.—(1) This regulation applies to an admission authority for a school which makes provision for selection by ability in accordance with section 101(1) or (1A) (*permitted selection: pupil banding*).

(2) The admission authority must 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.