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STATUTORY INSTRUMENTS

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**2008 No. 3089**

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

**PART 8**

**Consideration of determined admission arrangements by the adjudicator: supplementary**

**Information to be provided by the admission authority**

**29.** Where the adjudicator is carrying out his functions under sections 88H to 88J and makes a request to the admission authority for any of the information set out in Schedule 3 to these Regulations, the admission authority must provide the requested information to the adjudicator.

**Steps to be taken by the admission authority pending adjudicator's decision**

**30.**—(1) This regulation prescribes for the purposes of section 88H(5)(c) and section 88I(6) the steps which may be taken by an admission authority where—

- (a) an objection has been referred to the adjudicator and has not yet been determined, or
- (b) where the adjudicator is considering the authority's admission arrangements under section 88I(4)(a) or (5)(a) and has not yet made a decision in the case.

(2) The admission authority must, within 14 days, notify whichever of the governing body and the local authority are not the admission authority of the fact that the admission arrangements are being considered by the adjudicator.

**Publication of reports**

**31.**—(1) This regulation prescribes for the purposes of section 88K(4)(b) the manner in which a report by the adjudicator required by section 88K(3) must be published.

(2) A copy of the report must, within 14 days after the date when the adjudicator's decision was made —

- (a) be displayed on the adjudicator's website;
- (b) be published in a newspaper circulating in the locality served by the school;
- (c) be provided to all the persons whom the admission authority were required to consult by virtue of section 88C and regulation 12(2)(a) to (f) and (i) (or would have been required to consult but for the operation of regulation 15); and
- (d) in the case of an objection under section 88H, be provided to the parties to the objection.

(3) Publication required by paragraph (2)(c) and (d) may be effected by the transmission of the report in electronic form, except in any case where there are grounds for believing that the intended recipient is unable to make use of it in that form.

### **Power to alter arrangements following adjudicator's decision**

32.—(1) This regulation applies where—

- (a) the adjudicator has made a decision under section 88H(4) to uphold an objection to admission arrangements to any extent, or a decision under section 88I(4)(b) or (5)(b) that admission arrangements do not conform with the requirements of Part 3 of SSFA 1998; and
- (b) a relevant admission authority reasonably believe that the arrangements which they have determined are, so far as material—
  - (i) the same as those arrangements, or
  - (ii) sufficiently similar for the same decision to have been made against them had they been considered by the adjudicator.

(2) In a case where this regulation applies, the relevant admission authority may revise their admission arrangements by making such alterations as are necessary to achieve consistency with the decision, and may determine their arrangements in that revised form.

(3) Any such determination may only be made if—

- (a) such alterations are made within two months of the date on which the report was published in accordance with regulation 31; and
- (b) the relevant authority have informed each admission authority whom they were required to consult under section 88C and regulation 12 (or would have been required to consult but for the operation of regulation 15) about the admission arrangements which they are seeking to revise under this regulation.

(4) In this regulation “relevant admission authority” means an admission authority who, before they determined the admission arrangements that they wish to revise, were required to consult under section 88C (or would but for regulation 15 have been required so to consult) the admission authority in respect of which the decision was made.

### **Restriction on alteration of admission arrangements following adjudicator's decision**

33.—(1) For the purposes of section 88L(2) the required number of school years is two.

(2) Section 88C does not apply to admission authorities for schools to which section 88L applies, in respect of admission arrangements that are part of the adjudicator's decision—

- (i) to uphold an objection,
- (ii) that admission arrangements do not conform with the requirements of Part 3 of SSFA 1998, or
- (iii) to make a modification pursuant to section 88J(3).

(3) For the purposes of section 88L(6) the prescribed circumstances are that there has been a major change in circumstances since the beginning of the period prescribed by paragraph (1).

(4) On the making of a reference by the admission authority (pursuant to section 88L(6) and paragraph (3)), the adjudicator may vary the admission arrangements.

(5) Where the adjudicator decides that the admission arrangements must be varied his decision is binding on the admission authority.