

**EXPLANATORY MEMORANDUM TO**  
**THE SCHOOL ADMISSIONS (ADMISSION ARRANGEMENTS) (ENGLAND)**  
**(AMENDMENT) REGULATIONS 2009**

**2009 No. 1099**

1. 1.1 This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The purpose of the instrument is to amend the School Admissions (Admission Arrangements) (England) Regulations 2008 to remove the requirement in regulation 31 (2) (b) that every report in relation to a school's admission arrangements prepared by a Schools Adjudicator must be published in a newspaper circulating in the area of that school. The amending regulations provide that instead of the full report, a notice must be published in a local newspaper stating that an adjudicator's decision affecting a named local school has been made, and where the full determination could be found.
3. **Matters of special interest to the Joint Committee on Statutory Instruments.**
  - 3.1 None.
4. **Legislative Context**
  - 4.1 The School Admissions (Admission Arrangements) (England) Regulations 2008 prescribe matters relevant to the determination of the arrangements by which children are admitted to maintained schools in England.
  - 4.2 Parts 7 and 8 of the 2008 Regulations deal with the consideration of admission arrangements by the Schools Adjudicator, whether as a result of an objection or otherwise. Regulation 31 makes provision for the publication of adjudicators' decisions, and required a copy of every decision to be published in a local newspaper.
  - 4.3 These Regulations remove the requirement in regulation 31(2)(b) to publish a copy of the adjudicator's determination in a local newspaper, and insert a new regulation 31A which requires that a notice of the determination must be published, rather than the entire report. This notice must contain details of how a full copy of the report can be obtained.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England only.
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 Implementing the existing regulation 31(2)(b) would result in significant public cost and administrative burden to the Office of the Schools Adjudicator, which extends beyond the duty to inform local parents. This amendment fulfils the policy intention that parents are notified of decisions affecting local schools and can access the full report, without imposing such a burden on the Office of the Schools Adjudicator.

- ***Consolidation***

7.2 This instrument amends the School Admissions (Admission Arrangements) (England) Regulations 2008 for the first time. We do not consider consolidation is necessary at this point.

## **8. Consultation outcome**

8.1 The change is of a minor and technical nature, limiting the information required to be published, whilst ensuring that it is published and that the full report is easily available. We have therefore not conducted a full public consultation. We have consulted the Administrative Justice & Tribunals Council, the supervisory body for the Office of the Schools Adjudicator, who have agreed to these changes.

## **9. Guidance**

9.1 The change is of a minor technical nature and impacts mainly upon trained administrative staff in the Office of the Schools Adjudicator, so we will not be producing guidance. The impact on parents will be negligible, given that they will be informed of decisions and able to access the full report, although the initial notice would now be minimal

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is none.

10.2 The impact on the public sector is in reducing a significant unwarranted level of public spending, whilst ensuring that, as originally intended in the 2008 Regulations, local parents and the general public are made aware of Adjudicator determinations in an open and transparent way.

10.3 Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen .

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The changes to the Regulations will offer a significant saving in public funding, while continuing our aim of admission authorities engaging with parents and their communities to ensure that admission arrangements are lawful, fair and representative of the local area.

12.2 We will continue to keep all policies under review and monitor their impact. A crucial part of this process is the Schools Adjudicator's annual report to the Secretary of State: on compliance amongst a sample of admission arrangements, and on how fair access is being achieved locally based on local authority reporting. The report will also be made available to Parliament.

## **13. Contact**

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