
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the actions to be taken and the circumstances in which an admission authority for a maintained school must give priority in their admission arrangements to a “relevant looked after child” (a child who is looked after by a Welsh local authority within the meaning of section 22 of the Children Act 1989 at the time of their application and who will still be so looked after at the time when he or she is admitted to school).

Regulation 3 requires admission authorities to give priority in their oversubscription criteria to relevant looked after children, subject to the exceptions in regulations 4, 5 and 6.

Regulation 4 allows admission authorities for schools designated as having a religious character to give first priority in their oversubscription criteria to all relevant looked after children, regardless of their faith. The regulation requires them, in any event, to give higher priority to relevant looked after children of the faith of the school, over other children of that faith, and to give higher priority to relevant looked after children not of that faith than other children not of that faith.

Regulation 5 requires admission authorities for schools which have made provision in their admission arrangements for selection by ability or aptitude since the beginning of the 1997-1998 school year to give priority to relevant looked after children who have been selected by ability or aptitude over other children who have been selected by ability or aptitude. Relevant looked after children who have not been allocated a place on the basis of ability or aptitude must be given priority over other children who have not been allocated a place on that basis.

Regulation 6 requires admission authorities for schools which make provision for selection by banding to give priority to relevant looked after children within each band.

Regulation 7 permits an admission authority, in order to comply with these Regulations, to vary the admission arrangements that have already been determined in respect of the school year 2010/2011 without the need to refer the proposed variation to the Welsh Ministers.

Regulation 8 requires admission authorities of maintained schools in Wales to admit a child looked after by a local authority in Wales. It also requires the local authority to consult with the admission authority. An admission authority may make a reference within 7 days to the Welsh Ministers if the admission of the child would cause serious prejudice to the efficient use of education or the efficient use of resources. The manner in which the local authority is to consult, and the manner in which the admission authority is to make the reference to the Welsh Ministers and the information that may be required are to be prescribed in the code for school admissions.

Regulation 9 disapplies section 95(2) of the School Standards and Framework Act 1998 in relation to relevant looked after children. Section 95(2) of the School Standards and Framework Act 1998 places a duty on the local education authority, as the admission authority for a community or voluntary controlled school, to enable the governing body of the school to appeal against any decision made by or on behalf of the authority to admit a twice excluded pupil to the school. Regulation 9 requires the local authority to consult with the governing body. A governing body may make a reference within 7 days to the Welsh Ministers if the admission of the child would cause serious prejudice to the efficient use of education or the efficient use of resources. The manner in which the local education authority is to consult, and the manner in which the governing body is to make the reference to the Welsh Ministers and the information that may be required are to be prescribed in the code for school admissions.