

*These notes refer to the Education Act 2011 (c.21)  
which received Royal Assent on 15 November 2011*

# EDUCATION ACT 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 5: Educational Institutions: Other Provisions**

#### **Repeal of duties of governing bodies, local authorities and others**

#### *Section 34: Duties in relation to school admissions*

177. *Section 34* amends Part 3 of SSFA 1998 which is concerned with school admissions.
178. *Subsection (2)(a)* removes the requirement under section 85A of SSFA 1998 on English local authorities to establish an admission forum for their area.
179. *Subsection (3)* removes the duty on the adjudicator to decide, on receiving an annual report from a local authority, whether the admission arrangements described conform to the relevant legal requirements. The adjudicator's discretionary power under section 88I(5) of SSFA 1998 to consider arrangements that appear not to conform to legal requirements, regardless of how they come to the adjudicator's attention, is not affected by this change and the adjudicator can investigate matters in these reports under that power.
180. *Subsection (4)* changes the powers of the adjudicator. It repeals section 88J of SSFA 1998 which requires the adjudicator, upon referral of a specific matter concerning a maintained school's admission arrangements, to consider whether it would be appropriate for changes to be made to any aspect of those admission arrangements in consequence of the matter referred, and gives them the power to require such changes to be made.
181. *Subsection (5)* amends section 88P of SSFA 1998 which requires local authorities to provide reports to the adjudicator about admissions arrangements in their area. Currently regulations prescribe the form, content and timing of such reports but the amendment means that the School Admissions Code will instead contain the requirements for such reports (and the regulation-making power is removed)..
182. *Schedule 10* makes amendments that are consequential on the repeals and amendments made by this section.