

**2008 No. 3090**

**EDUCATION, ENGLAND**

**The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008**

<i>Made</i>	- - - -	<i>3rd December 2008</i>
<i>Laid before Parliament</i>		<i>11th December 2008</i>
<i>Coming into force</i>	- -	<i>10th February 2009</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 88M, 88N, 88O, 138(7) and 144(1) of the School Standards and Framework Act 1998(a):

**Citation, commencement and application**

1.—(1) These Regulations may be cited as The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 and come into force on 10th February 2009.

(2) Subject to paragraphs (3) and (4), these Regulations apply in relation to the arrangements under which pupils are to be admitted to schools in England in the academic year 2011-2012 and subsequent years.

(3) Regulation 11 (which introduces Schedule 2, which contains amendments to the School Admissions (Co-ordination of Admission Arrangements)(England) Regulations 2007) applies in relation to the arrangements under which pupils are to be admitted to schools in England in the academic year 2010-2011.

(4) These Regulations do not apply to the Council of the Isles of Scilly.

**Revocation**

2.—(1) Subject to paragraph (2), the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007(b) are revoked.

(2) This regulation does not have effect in relation to arrangements under which pupils are to be admitted to schools in England for the academic years up to and including 2010-2011.

**Interpretation**

3.—(1) In these Regulations—

“SSFA 1998” means the School Standards and Framework Act 1998;

“academic year” means a period commencing with 1st August and ending with the next 31st July;

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(a) 1998 c.31; sections 88M, 88N and 88O were inserted by section 151 of the Education and Skills Act 2008 (c.25). For the meaning of prescribed see section 142(1) of the 1998 Act.  
(b) S.I. 2007/194

“admission year”, in relation to the admission of pupils to schools during a particular academic year in pursuance of an imposed scheme or a qualifying scheme, means that academic year;

“application”, in relation to arrangements made by a local education authority under section 86(1), means a parent’s expression of a preference as to the school at which he wishes primary or, as the case may be, secondary education to be provided for his child in the exercise of the authority’s functions;

“the authority” means the local education authority formulating a qualifying scheme in accordance with regulation 4, or for whose area an imposed scheme has been, or is to be, made;

“the determination year” means the academic year beginning two years before the admission year;

“imposed scheme” means a scheme for co-ordinating the arrangements for the admission of pupils to primary schools and secondary schools made by the Secretary of State under section 88M(2) and imposed in accordance with regulation 7;

“offer date” means the date designated by the authority in accordance with regulation 8 in the case of primary schools, or the date prescribed by regulation 9 in the case of secondary schools;

“offer year” means the academic year immediately preceding the admission year;

“qualifying scheme” means a scheme for co-ordinating the arrangements for the admission of pupils to primary schools and secondary schools in the local authority’s area formulated by an authority pursuant to section 88M(1)(a) and these Regulations;

“school” means a community, foundation or voluntary school;

“the 2007 Regulations” means the School Admissions (Co-ordination of Admission Arrangements)(England) Regulations 2007; and

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(a).

(2) For the purposes of these Regulations an application is made in the course of a normal admission round if it is not a late application or an in-year application.

(3) For the purposes of these Regulations an application is a late application if—

- (a) it is for the admission of a child to a relevant age group;
- (b) it is submitted before the first day of the first school term of the admission year; and
- (c) a determination relating to the application is not made by an authority on or before the offer date.

(4) For the purposes of these Regulations an application is an in-year application if—

- (a) it is for the admission of a child to a relevant age group and it is submitted on or after the first day of the first school term of the admission year; or
- (b) it is for the admission of a child to an age group other than a relevant age group.

(5) Save where otherwise appears, any reference in these Regulations to a numbered section is a reference to that section of SSFA 1998.

### **Formulation of qualifying schemes**

**4.—**(1) An authority must formulate, in relation to any academic year to which these Regulations apply, a qualifying scheme in relation to each primary and secondary school in their area (a “qualifying scheme”).

(2) A qualifying scheme must comply with the requirements in Schedule 1.

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(a) 1971 c.80.

### **Action to be taken by an authority to secure adoption of a qualifying scheme**

5.—(1) This regulation prescribes for the purposes of section 88M(1)(b) the action to be taken by an authority with a view to securing the adoption of a qualifying scheme by themselves and each governing body who are the admission authority for a primary school or secondary school in their area.

(2) An authority must formulate a qualifying scheme by 1st January in the relevant determination year.

(3) The authority must refer a qualifying scheme which they propose should be adopted in their area to the Admission Forum established for that area under section 85A(a).

(4) The authority must consult the Admission Forum on the contents of the qualifying scheme.

(5) Where—

(a) the Admission Forum advises that the qualifying scheme is substantially different to the qualifying scheme adopted for the preceding academic year, or

(b) the authority have not consulted on a qualifying scheme in accordance with this paragraph in either of the two preceding academic years,

the authority must consult the bodies mentioned in paragraph (6).

(6) The bodies mentioned in this paragraph are—

(a) each governing body who are the admission authority for a school in the authority's area; and

(b) any other local education authority as the authority may determine.

(7) The consultation pursuant to paragraph (6)(b) must be undertaken with a view in particular to securing that the arrangements for the admission of pupils to schools in the areas of different local education authorities are, so far as is reasonably practicable, compatible with each other.

(8) Once the authority have carried out any consultation required under this regulation they must determine the qualifying scheme (either in its original form or with such modifications as the authority think fit) which they propose should apply for the academic year in question and must take all reasonable steps to secure its adoption by themselves and each governing body they consulted in relation to it.

### **Information to be provided to the Secretary of State**

6. Following any action required to be taken under regulation 5, an authority must inform the Secretary of State whether they have secured the adoption of a qualifying scheme or not, and provide the Secretary of State with a copy of the adopted scheme.

### **Making of a scheme by the Secretary of State**

7.—(1) In any case where by 15th April in the relevant determination year an authority have not informed the Secretary of State in accordance with regulation 6 that a scheme has been adopted in their area—

(a) an imposed scheme may be made, or

(b) where an imposed scheme has been made or has effect in relation to the preceding year and has not been revoked, the Secretary of State may notify the authority that that scheme continues to have effect in relation to the academic year immediately following.

(2) An imposed scheme may make provision corresponding to the requirements of a qualifying scheme.

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(a) Section 85A was inserted by section 48 of the Education Act 2002 (c.32).

**Date on which decisions in relation to primary school admissions are to be communicated to parents**

8.—(1) Subject to paragraphs (2) and (3), an authority must designate a single day in each year as the day on which a determination made in accordance with the provisions of a qualifying scheme to offer or refuse a child admission to a primary school must be sent to a parent.

(2) Where, in accordance with a qualifying scheme, children may be admitted to a relevant age group at a primary school in the authority’s area pursuant to more than one normal admission round, the authority must designate, in relation to each normal admission round, the single day on which a determination referred to in paragraph (1) must be sent to a parent.

(3) The requirement in paragraph (1) to send a determination to offer or refuse a child admission to a primary school only applies to applications made in the course of a normal admission round.

**Date on which decisions in relation to secondary school admissions are to be communicated to parents**

9.—(1) Subject to paragraph (3), this regulation prescribes for the purposes of section 88M(4)(b), the single day in each year on which a determination made in accordance with the provisions of a qualifying scheme or an imposed scheme to offer or refuse a child admission to a secondary school must be sent to a parent.

(2) The prescribed day is 1st March in the offer year, except that, in any year in which that day is not a working day, the prescribed day is the next working day.

(3) The requirement in paragraph (1) to send a determination to offer or refuse a child admission to a secondary school only applies to applications made in the course of a normal admission round.

**Sections 496 and 497 of the Education Act 1996**

10. Sections 496 and 497 of the Education Act 1996(a) apply to an authority or a governing body as if any of the obligations imposed on them under a qualifying scheme or an imposed scheme were duties imposed on them under that Act.

**Amendment of the 2007 Regulations**

11. Schedule 2 contains amendments to the 2007 Regulations.

3rd December 2008

*Sarah McCarthy-Fry*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

**SCHEDULE 1**

Regulation 4(2)

**Requirements of a qualifying scheme**

**General**

1. A qualifying scheme must—

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(a) 1996 c.56.

- (a) ensure, so far as is reasonably practicable, that each parent in the area of an authority who has made an application on the common application form in respect of the admission of a child to a school receives a single offer of a school place under the scheme;
- (b) ensure, so far as is reasonably practicable, in any case where a child is eligible to be granted admission to more than one school, that the child is granted admission to whichever of those schools is ranked highest on the common application form;
- (c) require a common application form to be completed, enabling a parent in an authority's area—
  - (i) to provide their name and address, and the name, address and date of birth of the child,
  - (ii) to apply for not less than three schools, whether or not any school for which such application is made is within the authority's area,
  - (iii) to give reasons for their application, and
  - (iv) to rank each application in relation to any other application;
- (d) identify for each school to which the scheme applies whether it is the authority or the governing body who are the admission authority;
- (e) where the governing body who are the admission authority for such a school have made arrangements for another body to determine the order of priority under paragraph 5(b), identify that body; and
- (f) specify that any notification of acceptance of a school place must be received by the authority within two weeks after the date of the offer.

**Requirements of a qualifying scheme relating to applications made in the course of a normal admission round**

2.—(1) This paragraph specifies provisions to be made in a qualifying scheme about applications made in the course of a normal admission round.

- (2) A qualifying scheme must—
  - (a) require the common application form to be submitted to the authority by 31<sup>st</sup> October in the offer year, in relation to applications for secondary schools, and 15<sup>th</sup> January in the offer year, in relation to applications for primary schools,
  - (b) specify how applications submitted after the dates mentioned in sub-paragraph (2)(a) will be processed;
  - (c) in the case of applications for primary school places, require the actions required by paragraphs 3(2)(f) and 4(2) to be completed by the last working day in March in the offer year;
  - (d) require an authority to send any determination granting or refusing admission to a school to a parent on the offer date (such determination being sent on behalf of the school's governing body in any case where the authority are not the admission authority for the school); and
  - (e) specify the dates by which each of the steps required to be taken in accordance with this Schedule is to be performed, including where the date is specified in this Schedule.

**Requirements of a qualifying scheme relating to applications for in-area schools**

3.—(1) This paragraph specifies provisions to be made in a qualifying scheme about applications made for a school in the area of the authority.

- (2) The scheme must require the authority—
  - (a) where the application is for a school for which the governing body are the admission authority, to forward details of the application, together with any supporting information

- provided by the parent, to the governing body or the body with whom the governing body has made arrangements under paragraph 5(b) (except where that body is the authority);
- (b) where the application is for a school for which the authority are the admission authority, to determine by reference to the school's admissions criteria the order of priority in which the application for the school is ranked;
  - (c) in any case where it appears to the authority, having regard to—
    - (i) any determination made in accordance with paragraph (b),
    - (ii) any information sent to them in accordance with paragraph 5(c),
 that a child in their area is eligible to be granted admission to more than one school, or is not eligible to be offered admission to any school, to determine in accordance with the provisions of the scheme whether the child is to be granted or refused admission to a school in their area;
  - (d) in any case where the authority determine in accordance with paragraph (c) that a child is to be granted or refused admission to a school in their area for which they are not the admission authority, to notify the school's governing body of their determination;
  - (e) except where paragraph (f) applies, to send any determination granting or refusing admission to a school to the parent (such determination being sent on behalf of a school's governing body in any case where the authority are not the admission authority for the school); and
  - (f) with regard to any application relating to a child living in a different local education authority's area, to notify that authority of their determination.

**Additional duties on an authority relating to applications for out-of area schools**

4.—(1) This paragraph applies where a parent in the area of the authority (“the home authority”) applies under the common application form for a school in the area of a different local education authority (“the maintaining authority”).

(2) The home authority must notify the maintaining authority of the application and forward to them details of it, together with any supporting information provided by the parent.

(3) A qualifying scheme must—

- (a) specify that, in determining in accordance with paragraph 3(2)(c) whether the child is to be granted or refused admission to any school in the home authority's area for which an application has also been made, that authority will have regard to any information provided by the maintaining authority as to whether the child is to be granted admission to a school within that authority's area; and
- (b) require the home authority to send any determination granting or refusing admission to the school in the maintaining authority's area to the parent (such determination being sent on behalf of the school's governing body in any case where they are the admission authority for the school).

**Duties of governing body under a qualifying scheme**

5. A qualifying scheme must require a governing body who are the admission authority for a school—

- (a) to forward to their maintaining authority details of any application made to the school direct, together with any supporting information provided by the parent (regardless of whether the parent making the application resides in that authority's area);
- (b) to determine or make arrangements for another body (including their maintaining authority) to determine by reference to the school's admissions criteria the order of priority in which each application for the school is ranked; and

- (c) to notify or, where arrangements have been made under sub-paragraph (b) for another body (not being their maintaining authority) to make a determination, to arrange for that body to notify their maintaining authority of their determination under sub-paragraph (b).

## SCHEDULE 2

### Amendments to the 2007 Regulations

1. In regulation 1—
  - (a) in paragraph (2), substitute “paragraphs (3) and (4),” for “paragraph (3)”; and
  - (b) after paragraph (3) insert the following—

“(4) Regulation 11 applies in relation to the arrangements under which pupils are to be admitted to schools in England in the academic year 2010-2011.”.
2. In regulation 3—
  - (a) in paragraph (1) insert the following definition after the definition of “the 1998 Act”—

““academic year” means a period commencing with 1<sup>st</sup> August and ending with the next 31<sup>st</sup> July;” and
  - (b) after paragraph (3) insert the following—

“(4) For the purposes of these Regulations, an application is an in-year application if—

    - (a) it is for the admission of a child to a relevant age group and it is submitted on or after the first day of the school year of admission; or
    - (b) it is for the admission of a child to an age group other than a relevant age group.”
3. In regulation 10, insert “, an in-year scheme, an imposed in-year scheme” after “qualifying scheme”.
4. After regulation 10 insert the following—

#### **“In-year schemes**

**11.**—(1) An authority must formulate a scheme (an “in-year scheme”), in relation to each school in their area, which complies with the requirements of Schedule 4.

(2) An authority must formulate an in-year scheme no later than 1<sup>st</sup> January 2010.

(3) An authority must refer an in-year scheme which they propose should be adopted in their area to any Admission Forum established for that area under section 85A of the 1998 Act, and must have regard to any advice or recommendations of the Forum.

(4) After taking the action required by paragraph (3), the authority must consult the following about any proposed in-year scheme, namely—

- (a) each governing body who are the admission authority for a school in their area; and
- (b) any other local education authority as the authority may determine.

(5) The consultation pursuant to paragraph (4)(b) must be undertaken with a view in particular to securing that the arrangements for the admission of pupils to schools in the areas of different local authorities are, so far as is reasonably practicable, compatible with each other.

(6) Once the authority have carried out the consultation required by paragraph (4) they must determine the in-year scheme (either in its original form or with such modification as the authority think fit) which they propose should apply for the academic year and must



take all reasonable steps to secure its adoption by themselves and each governing body they consulted in relation to it.

(7) Following the action required to be taken by paragraphs (1) to (6), an authority must inform the Secretary of State whether they have secured agreement to the adoption of an in-year scheme or not, and provide him with a copy of an adopted scheme.

(8) In any case where by 15<sup>th</sup> April 2010 an authority have not informed the Secretary of State in accordance with paragraph (7) that an in-year scheme has been adopted in relation to each school in their area, an imposed in-year scheme may be made.

(9) An imposed in-year scheme may make provision corresponding to the requirements of an in-year scheme.”

5. After Schedule 3 insert the following—

## “SCHEDULE 4

### Requirements of an in-year scheme

#### General

1. An in-year scheme must—

- (a) ensure, so far as is reasonably practicable that each parent in the area of an authority who has made an application on the common application form in respect of admission of a child to a school receives a single offer of a school place under the scheme;
- (b) ensure, so far as is reasonably practicable, in any case where a child is eligible to be granted admission to more than one school, that the child is granted admission to whichever of those schools is ranked highest on the common application form;
- (c) require a common application form to be completed, enabling a parent in an authority’s area—
  - (i) to provide his name and address, and the name, address and date of birth of the child,
  - (ii) to apply for not less than three schools, whether or not any school for which such application is made is within the authority’s area,
  - (iii) to give reasons for his application, and
  - (iv) to rank each application in relation to any other application;
- (d) identify for each school to which the in-year scheme applies whether it is the authority or the each governing body who are the admission authority;
- (e) specify the criteria by which the authority must determine whether a child is to be granted or refused admission to a school in the authority’s area in any case where it appears to the authority that the child—
  - (i) is eligible to be granted admission to more than one school for which application has been made, or
  - (ii) is not eligible to be granted admission to any school for which such application has been made;
- (f) where the governing body who are the admission authority for such a school have made arrangements for another body to determine the order of priority under paragraph 4(b), identify that body;
- (g) specify that any notice of acceptance of a school place must be received by the authority within two weeks after the date of the offer.



### **Requirements of an in-year scheme relating to applications for in-area schools**

2.—(1) This paragraph specifies provisions to be made in an in-year scheme about applications made for a school in the area of the authority.

(2) The scheme must require the authority—

- (a) where the application is for a school for which the governing body are the admission authority, to forward details of the application, together with any supporting information provided by the parent, to the governing body or the body with whom the governing body has made arrangements under paragraph 4(b) (except where that body is the authority);
- (b) where the application is for a school for which the authority are the admission authority, to determine by reference to the school's admissions criteria the order of priority in which the application for the school is ranked;
- (c) in any case where it appears to the authority, having regard to—
  - (i) any determination made in accordance with sub-paragraph (b), and
  - (ii) any information sent to them in accordance with paragraph 4(c),that a child in their area is eligible to be granted admission to more than one school, or is not eligible to be offered admission to any school, to determine in accordance with the provisions of the scheme whether the child is to be granted or refused admission to a school in their area;
- (d) in any case where the authority determine in accordance with sub-paragraph (c) that a child is to be granted or refused admission to a school in their area for which they are not the admission authority, to notify the school's governing body of their determination;
- (e) except where sub-paragraph (f) applies, to send any determination granting or refusing admission to a school to the parent (such determination being sent on behalf of a school's governing body in any case where the authority are not the admission authority for the school); and
- (f) with regard to any application relating to a child living in a different local education authority's area, to notify that authority of their determination.

### **Additional duties on an authority relating to applications for out-of area schools**

3.—(1) This paragraph applies where a parent in the area of the authority ("the home authority") applies under the common application form for a school in the area of a different local education authority ("the maintaining authority").

(2) The home authority must notify the maintaining authority of the application and forward to them details of it, together with any supporting information provided by the parent.

(3) The in-year scheme must—

- (a) specify that, in determining in accordance with paragraph 2(2)(c) whether the child is to be granted or refused admission to any school in the home authority's area for which an application has also been made, that authority will have regard to any information provided by the maintaining authority as to whether the child is to be granted admission to a school within that authority's area; and
- (b) require the home authority to send any determination granting or refusing admission to the school in the maintaining authority's area to the parent (such determination being sent on behalf of the school's governing body in any case where they are the admission authority for the school).

#### **Duties of governing body under an in-year scheme**

4. An in-year scheme must require a governing body who are the admission authority for a school—

- (a) to forward to their maintaining authority details of any application made to the school direct, together with any supporting information provided by the parent (regardless off whether the parent who made the application resides in that authority’s area);
- (b) to determine or make arrangements for another body (including the maintaining authority) to determine by reference to the school’s admissions criteria the order of priority in which each application for the school is ranked; and
- (c) to notify or, where arrangements have been made under sub-paragraph (b) for another body (not being their maintaining authority) to make a determination, to arrange for that body to notify the authority of their determination under sub-paragraph (b).”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The School Admissions (Co-ordination of Admission Arrangements)(England) Regulations 2008 (“the 2008 Regulations”) are made under sections 88M, 88N, 88O, 138 and 144 of the School Standards and Framework Act 1998. They come into force on 10th February 2009. They require local authorities (with the exception of the Council of the Isles of Scilly) to formulate a qualifying scheme to co-ordinate arrangements for the admission of pupils to maintained schools in their area, so that parents apply to their home local authority (irrespective of where the school might be), and receive one offer of a school place. They do not apply to applications for admission to a sixth form of a school.

The 2008 Regulations also amend the School Admissions (Co-ordination of Admission Arrangements)(England) Regulations 2007 (“the 2007 Regulations”) to impose a new requirement to formulate a scheme to co-ordinate in-year applications for the academic year 2010-2011. The 2007 Regulations are then revoked in respect of academic year 2011-2012 and subsequent years.

The qualifying scheme will co-ordinate the following classes of application: “applications made in the course of a normal admission round” (in other words, applications for a normal year of entry, made according to the annual timetable for applying to primary and secondary schools), “late applications” (in other words, applications for the normal year of entry, made outside the course of a normal admission round but before the first day of the school year) and “in-year applications” (in other words applications made during the school year, or applications for a year other than a normal year of entry). The 2008 Regulations contain slightly different requirements, depending on the class of application.

The Regulations apply in relation to admission arrangements for the academic years 2011-2012 onwards, except for the amendments to the 2007 Regulations.

Regulation 4 requires local authorities to formulate qualifying schemes which comply with the requirements of Schedule 1. Regulation 5 prescribes the action to be taken by a local authority, including consultation requirements, to secure the adoption of qualifying schemes.

Regulation 6 requires local authorities to notify the Secretary of State once they have taken the steps required by regulation 5, and regulation 7 provides that where a local authority notify the Secretary of State that a scheme has not been adopted by 15<sup>th</sup> April in the relevant year, the Secretary of State may impose a scheme.

Regulation 8 requires local authorities to determine a date in each year when decisions to offer or refuse admission to primary schools must be sent to parents, and regulation 9 prescribes the date on which decisions to offer or refuse admission to secondary schools must be sent to parents.

Regulation 10 ensures that any obligations placed upon local authorities and governing bodies of schools under qualifying or imposed schemes are enforceable as if they were direct statutory duties.

Schedule 1 contains the requirements which must be met in relation to a scheme formulated by a local authority. The requirements apply to applications for primary and secondary schools.

Regulation 11 introduces Schedule 2, which amends the 2007 Regulations. The effect of the amendments is to place local authorities under a duty, for the academic year 2010-2011, to formulate a scheme to co-ordinate in-year applications. Schemes must be formulated by 1<sup>st</sup> January before the start of the academic year. Local authorities must consult on the contents of the scheme and notify the Secretary of State once the schools covered by the scheme have agreed to it. If the Secretary of State does not receive such a notification by 15<sup>th</sup> April before the start of the academic year, he may impose an in-year scheme on the relevant authority.

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STATUTORY INSTRUMENTS

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**2008 No. 3090**

**EDUCATION, ENGLAND**

The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008

£5.00