
STATUTORY INSTRUMENTS

2012 No. 8

The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

PART 3

Co-ordination of admission arrangements

Formulation of qualifying schemes

26.—(1) A local authority must formulate, in relation to each academic year, 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 2.

Action to be taken by a local authority to secure adoption of a qualifying scheme

27.—(1) This regulation prescribes for the purposes of section 88M(1)(b)(1) the action to be taken by a local 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) The local authority must formulate a qualifying scheme by 1st January in the relevant determination year.

(3) Where—

- (a) the qualifying scheme is substantially different from the qualifying scheme adopted for the preceding academic year, or
- (b) the local authority have not consulted on a qualifying scheme adopted in the previous seven years,

the local authority must consult the bodies mentioned in paragraph (4).

(4) The bodies to be consulted are—

- (a) each governing body who are the admission authority for a school in the local authority’s area; and
- (b) any other local authority as the authority thinks appropriate.

(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) After the local 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) for the academic year in question and must take all reasonable steps to secure its

adoption by themselves and each governing body who are an admission authority that they consulted in relation to it.

Information to be provided to the Secretary of State

28. A local authority must inform the Secretary of State by 15th April in the relevant determination year whether they have secured the adoption of a qualifying scheme or not.

Making of a scheme by the Secretary of State

29. In any case where by 15th April in the relevant year the local authority have not informed the Secretary of State in accordance with regulation 28 that a scheme has been adopted in their area—

- (a) the Secretary of State may make and impose a scheme, or
- (b) where the Secretary of State has previously made and imposed a scheme which had effect in relation to the preceding year and has not been revoked, the Secretary of State may notify the local authority that that scheme has effect in relation to the academic year immediately following.

Offer date

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

- (2) The prescribed day is—
 - (a) for primary schools, 16th April,
 - (b) for secondary schools, 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 school only applies to applications made in the course of a normal admission round.

Saving for qualifying schemes

31. Any qualifying scheme formulated on or before 1st January 2012 under the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008(2) for admission of pupils to a school in September 2013 is to have effect, save that any part of the scheme that relates to in-year applications will not have effect.

Sections 496 and 497 of the Education Act 1996

32. Sections 496 and 497(3) of the Education Act 1996 apply to a local 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.

(2) [S.I. 2008/3090](#).

(3) Sections 496 and 497 were amended by the School Standards and Framework Act 1998 (c.31), Schedule 30, paragraphs 57, 129 and 130; the Education and Inspections Act 2006 (c.40), section 168; the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), sections 59 and 221, and Schedule 2, paragraphs 1 to 8; and [S.I. 2010/1158](#).