Education and Inspections Act 2006

2006 CHAPTER 40

PART 3

FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

School admissions

50 Direction to admit looked after child to specified school

(1) After section 97 of SSFA 1998 insert—

"**97A Direction to admit looked after child to specified school**

(1) A local authority in England may, in relation to a child looked after by them, give a direction under this section to the admission authority for any school in England other than a school for which the local authority are the admission authority.

(2) A direction under this section shall not specify a school from which the child is permanently excluded.

(3) Where a school is specified in a direction under this section, the admission authority shall admit the child to the school.

(4) Subsection (3) does not affect any power to exclude from a school a pupil who is already a registered pupil there.

97B Procedure for giving direction under section 97A

(1) Before deciding to give a direction under section 97A, the local authority shall consult the admission authority for the school they propose to specify in the direction.

(2) The admission authority for the school shall, within the period of seven days beginning with the day on which they are consulted as mentioned in

subsection (1), inform the local authority whether they are willing to admit the child to the school without being directed to do so by the authority.

(3) Where the local authority decide to give a direction under section 97A specifying a school—

(a) they shall, before doing so, serve a notice in writing of their decision on—

(i) the admission authority for the school,

(ii) if the school is a community or voluntary controlled school and the governing body of the school are not the admission authority, the governing body of the school,

(iii) if the school is maintained by a local education authority who are not the authority proposing to give the direction and are not the admission authority, the local education authority who maintain the school, and

(iv) the head teacher of the school, and

(b) they shall not give the direction until the period for referring the matter to the adjudicator under subsection (4) has expired and, if it is so referred, until the adjudicator has made such determinations under this section as it appears to him to be appropriate to make in connection with the reference.

(4) The following persons—

(a) the admission authority on whom a notice is served under subsection (3)(a)(i), and

(b) in the case of a notice relating to a child to whom (at the time of service of the notice) section 87(2) applies, the governing body of a community or voluntary controlled school on whom the notice is served under subsection (3)(a)(ii),

may, within the period of seven days beginning with the day on which the notice was served, refer the matter to the adjudicator and, if they do so, shall inform the local authority.

(5) A reference under subsection (4) may only be made on the ground that the admission of the child to the school would seriously prejudice the provision of efficient education or the efficient use of resources.

(6) If the adjudicator determines that the admission of the child to the school would have the effect mentioned in subsection (5)—

(a) the local authority may not give a direction under section 97A that the school admit the child, but

(b) the adjudicator may determine that another school in England is to be required to admit the child.

(7) A determination under subsection (6)(b) may only be made with the agreement of the local authority who look after the child.

(8) A determination under subsection (6)(b) may not be made if—

(a) the child is permanently excluded from the other school, or

(b) the admission of the child to the other school would seriously prejudice the provision of efficient education or the efficient use of resources.

(9) If the adjudicator determines under subsection (6)(b) that another school is to be required to admit the child, then—

(a) if the local authority referred to in subsection (1) are the admission authority for that school they shall—

(i) admit the child to the school, and

(ii) give notice in writing to the governing body and head teacher of the school of the adjudicator's decision, and

(b) in any other case, the local authority shall specify that school in their direction under section 97A.

(10) A direction under section 97A shall be given by notice in writing and a copy of the notice shall be given by the local authority to the head teacher of the school."

(2) In section 84 of SSFA 1998, after subsection (6) (which defines terms used in Chapter 1 of Part 3 of that Act) insert—

"(7) In this Chapter, references to a child who is looked after by a local authority are to be read in accordance with section 22(1) of the Children Act 1989."

(3) In section 89 of SSFA 1998, in subsection (1A) omit the words "(within the meaning of section 22 of the Children Act 1989)".

(4) In section 143 of SSFA 1998 (index) after the entry relating to "child (in Chapter 1 of Part 3 but not in sections 96 and 97)" insert—

"child looked after by a local authority (in Chapter 1 of Part 3)	section 84(7)."