



# Education Act 2002

## 2002 CHAPTER 32

### PART 3

#### MAINTAINED SCHOOLS

### CHAPTER 3

#### ADMISSIONS, EXCLUSIONS AND ATTENDANCE

##### *Admission arrangements*

#### 46 Admission forums

After section 85 of the School Standards and Framework Act 1998 there is inserted—

##### *“Admission forums*

#### **85A Admission forums**

- (1) A <sup>[F1]</sup>local authority shall in accordance with regulations establish for their area a body, to be known as an admission forum, for the purpose of—
  - (a) advising the authority on such matters connected with the exercise of the authority’s functions under this Chapter as may be prescribed, and
  - (b) advising the admission authorities for maintained schools in the area for which the forum is established on—
    - (i) such matters connected with the determination of admission arrangements, and
    - (ii) such other matters connected with the admission of pupils, as may be prescribed.
- (2) The authority may establish sub-committees of the forum.

*Changes to legislation: Education Act 2002, Cross Heading: Admission arrangements is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) Regulations may make provision—
- (a) as to the constitution, meetings and proceedings of an admission forum and of any such sub-committee,
  - (b) as to the manner in which advice is to be given by a forum, and
  - (c) as to the establishment by [<sup>F2</sup>local authorities] of joint admission forums.
- (4) The bodies mentioned in paragraphs (a) and (b) of subsection (1) shall have regard, in carrying out their functions, to any relevant advice given to them by an admission forum under that subsection.
- (5) The [<sup>F1</sup>local authority] shall make arrangements for the forum (and any sub-committee established under subsection (2)) to be provided with accommodation and with such services as the authority consider appropriate.”

#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(3\)](#)

#### Commencement Information

- I1** S. 46 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)
- I2** S. 46 in force at 1.12.2003 for W. by [S.I. 2003/2961](#), [art. 4](#), [Sch. Pt. I](#)

## 47 Admission numbers

- (1) For section 86(5) of the School Standards and Framework Act 1998 (c. 31) (no prejudice for the purposes of subsection (3)(a) to be taken to arise from the admission of a number of pupils not exceeding the relevant standard number or the admission number, whichever is greater) there is substituted—
- “(5) No prejudice shall be taken to arise for the purposes of subsection (3)(a) from the admission to a maintained school in a school year of a number of pupils in a relevant age group which does not exceed the number determined under section 89 as the number of pupils in that age group that it is intended to admit to the school in that year; but this subsection does not apply if the conditions set out in subsection (5A) are met in relation to the school and the school year.
- (5A) Those conditions are—
- (a) that the school is one at which boarding accommodation is provided for pupils; and
  - (b) that the determination under section 89 by the admission authority of the admission arrangements which are to apply for that year includes the determinations mentioned in paragraphs (a) and (b) of section 89A(2).
- (5B) Where the conditions set out in subsection (5A) are met in relation to a maintained school and a school year, no prejudice shall be taken to arise for the purposes of subsection (3)(a) from either of the following—

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- (a) the admission to the school in that year as boarders of a number of pupils in a relevant age group which does not exceed the number determined under section 89 as the number of pupils in that age group that it is intended to admit to the school in that year as boarders;
- (b) the admission to the school in that year otherwise than as boarders of a number of pupils in a relevant age group which does not exceed the number determined under section 89 as the number of pupils in that age group that it is intended to admit to the school in that year otherwise than as boarders.”

(2) After section 89 of that Act there is inserted—

#### “89A Determination of admission numbers

- (1) A determination under section 89 by the admission authority for a maintained school of the admission arrangements which are to apply for a school year shall include a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year.
- (2) Such a determination under section 89 may also, if the school is one at which boarding accommodation is provided for pupils, include—
  - (a) a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year as boarders, and
  - (b) a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year otherwise than as boarders.
- (3) Regulations may make provision about the making of any determination required by subsection (1), and may in particular require the admission authority for a maintained school to have regard, in making any such determination, to—
  - (a) any prescribed method of calculation, and
  - (b) any other prescribed matter.
- (4) References in this section to the determination of any number include references to the determination of zero as that number.”

#### Commencement Information

- I3** S. 47 partly in force; s. 47 not in force at Royal Assent, see s. 216; s. 47 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) (as amended (4.12.2003) by [S.I. 2003/2992](#), [arts. 1, 3](#))
- I4** S. 47 in force at 1.2.2006 for W. by [S.I. 2006/172](#), [art. 4](#), [Sch.](#)

## 48 Co-ordination of admission arrangements

After section 89A of the School Standards and Framework Act 1998 (c. 31) there is inserted—

#### “89B Co-ordination of admission arrangements

- (1) Regulations may require a [<sup>F1</sup>local authority] —

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- (a) to formulate, for any academic year in relation to which prescribed conditions are satisfied, a qualifying scheme for co-ordinating the arrangements for the admission of pupils to maintained schools in their area, and
  - (b) to take prescribed action with a view to securing the adoption of the scheme by themselves and each governing body who are the admission authority for a maintained school in their area.
- (2) Subject to subsection (3), the Secretary of State may make, in relation to the area of a [<sup>F1</sup>local authority] and an academic year, a scheme for co-ordinating the arrangements, or assisting in the co-ordination of the arrangements, for the admission of pupils to maintained schools in that area.
- (3) A scheme may not be made under subsection (2) in relation to a [<sup>F1</sup>local authority] and an academic year if, before the prescribed date in the year preceding the year in which that academic year commences—
  - (a) a scheme formulated by the [<sup>F1</sup>local authority] in accordance with subsection (1) is adopted in the prescribed manner by the persons mentioned in paragraph (b) of that subsection, and
  - (b) the authority provide the Secretary of State with a copy of the scheme and inform him that the scheme has been so adopted.
- (4) The Secretary of State may by regulations require [<sup>F2</sup>local authorities] to provide other [<sup>F2</sup>local authorities] with such information as may be required by them in connection with the exercise of any of their functions under this Chapter.
- (5) Regulations may provide—
  - (a) that each [<sup>F1</sup>local authority] shall secure that, subject to such exceptions as may be prescribed, no decision made by any admission authority for a maintained school in their area to offer or refuse a child admission to the school shall be communicated to the parent of the child except on a single day, designated by the [<sup>F1</sup>local authority], in each year, or
  - (b) that, subject to such exceptions as may be prescribed, a decision made by the admission authority for a maintained school to offer or refuse a child admission to the school shall not be communicated to the parent of the child except on a prescribed day.
- (6) In this section—
  - “academic year” means a period commencing with 1st August and ending with the next 31st July;
  - “qualifying scheme” means a scheme that meets prescribed requirements.

### **89C Further provision about schemes adopted or made by virtue of section 89B**

- (1) Regulations may make provision about the contents of schemes under section 89B(2), including provision about the duties that may be imposed by such schemes on—
  - (a) [<sup>F2</sup>local authorities], and
  - (b) the admission authorities for maintained schools.

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- (2) Regulations may provide that where a [F1local authority] or the governing body of a maintained school have, in such manner as may be prescribed, adopted a scheme formulated by a [F1local authority] for the purpose mentioned in section 89B(1)(a), sections 496 and 497 of the Education Act 1996 shall apply as if any obligations imposed on the [F1local authority] or governing body under the scheme were duties imposed on them by that Act.
- (3) Regulations may provide that where any decision as to whether a child is to be granted or refused admission to a maintained school falls to be made in prescribed circumstances, the decision shall, if a scheme adopted or made by virtue of this section so provides, be made by the [F1local authority] regardless of whether they are the admission authority for the school.
- (4) Before proposing a scheme for adoption under section 89B(1) a [F1local authority] shall comply with such requirements as to consultation as may be prescribed.
- (5) Regulations under subsection (4) may in particular require consultations to be undertaken with a view to securing that the arrangements for the admission of pupils to maintained schools in the areas of different [F2local authorities] are, so far as is reasonably practicable, compatible with each other.
- (6) Before making a scheme under section 89B(2) in relation to the area of any [F1local authority], the Secretary of State shall consult—
  - (a) the [F1local authority], and
  - (b) any governing body who are the admission authority for a school which appears to the Secretary of State to be a school to which the scheme will apply.
- (7) A scheme made under section 89B(2) may be varied or revoked by the Secretary of State.”

#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(2\)](#)
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(3\)](#)

#### Commencement Information

- I5** S. 48 partly in force; s. 48 not in force at Royal Assent, see s. 216; s. 48 in force for E. at 1.10.2002 by [S.I. 2002/2439, art. 3](#) (with transitional provisions and savings in [art. 4, Sch.](#))
- I6** S. 48 in force at 1.2.2006 for W. by [S.I. 2006/172, art. 4, Sch.](#)

## 49 Repeal of power to make certain special arrangements for preserving religious character

Section 91 of the School Standards and Framework Act 1998 (c. 31) (special arrangements to preserve religious character of foundation or voluntary aided school) shall cease to have effect.

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### Commencement Information

- I7** S. 49 wholly in force at 19.12.2002; s. 49 not in force at Royal Assent, see s. 216; s. 49 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#) (with transitional provisions and savings in [art. 7](#))

## 50 Admission appeals

In section 94 of the School Standards and Framework Act 1998 (appeal arrangements: general) for subsection (5) there is substituted—

“(5) An appeal pursuant to any arrangements made under this section shall be to an appeal panel constituted in accordance with regulations.

(5A) Regulations may make provision about the making of appeals pursuant to such arrangements, including provision—

- (a) as to the procedure on such appeals,
- (b) for the payment by the [<sup>F1</sup>local authority] of allowances to members of an appeal panel, and
- (c) as to the grounds on which an appeal panel may, in the case of an appeal to which subsection (5B) applies, determine that a place is to be offered to the child concerned.

(5B) This subsection applies to any appeal against a decision made on the ground that prejudice of the kind referred to in section 86(3)(a) would arise as mentioned in subsection (4) of that section.

(5C) Regulations made by virtue of subsection (5A)(b) may provide for any of the provisions of sections 173 to 174 of the Local Government Act 1972 (allowances to members of local authorities and other bodies) to apply with prescribed modifications in relation to members of an appeal panel.”

### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

### Commencement Information

- I8** S. 50 partly in force; s. 50 not in force at Royal Assent, see s. 216; s. 50 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), [art. 2](#) (with savings and transitional provisions in [Sch. para. 3](#))
- I9** S. 50 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#) (with [Sch. para. 3](#))
- I10** S. 50 in force at 31.5.2005 for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#) (with [art. 5\(3\)](#))

## 51 Further amendments relating to admission arrangements

Schedule 4 (which contains further amendments relating to admission arrangements) shall have effect.

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#### Commencement Information

- I11** S. 51 partly in force; s. 51 not in force at Royal Assent, see s. 216; s. 51 in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#))
- I12** S. 51 in force at 20.1.2003 so far as not already in force except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)
- I13** S. 51 in force at 9.1.2004 for specified purposes for W. by [S.I. 2003/2961](#), [art. 7](#), [Sch. Pt. IV](#)
- I14** S. 51 in force at 31.3.2004 for specified purposes for W. by [S.I. 2004/912](#), [art. 4](#), [Sch. Pt. 1](#)
- I15** S. 51 in force at 31.5.2005 for specified purposes for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#)
- I16** S. 51 in force at 1.2.2006 for W. so far as not already in force by [S.I. 2006/172](#), [art. 4](#), [Sch.](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)