



Education and Inspections Act 2006

2006 CHAPTER 40

PART 3

FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

School admissions

48 Looked after children to whom section 87(2) of SSFA 1998 applies

- (1) In section 95 of SSFA 1998 (appeals relating to children to whom section 87(2) applies) after subsection (2) insert—

“(2A) Subsection (2) does not apply in relation to a decision made by or on behalf of a [^{F1}local authority] in England to admit to a school a child who is looked after by a local authority in England (provision for references to the adjudicator in relation to such a decision being made by section 95A).”

- (2) After that section insert—

“95A References relating to looked after children to whom section 87(2) applies

- (1) This section applies where—
- a [^{F1}local authority] in England are the admission authority for a community or voluntary controlled school, and
 - a decision is made by or on behalf of the authority to admit to the school a child who, at the time when the decision is made, is looked after by a local authority in England and to whom (at that time) section 87(2) applies.
- (2) The [^{F1}local authority] must give notice of the decision to the governing body of the school.

Changes to legislation: Education and Inspections Act 2006, Section 48 is up to date with all changes known to be in force on or before 07 June 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) The governing body of the school may, within the period of seven days beginning with the day on which they are notified of the decision, refer the matter to the adjudicator.
- (4) A reference under subsection (3) 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.
- (5) If the adjudicator determines that the admission of the child to the school would have the effect mentioned in subsection (4)—
 - (a) the decision to admit the child to the school shall cease to have effect, but
 - (b) the adjudicator may determine that another maintained school in England is to be required to admit the child.
- (6) A determination under subsection (5)(b) may only be made with the agreement of the local authority who look after the child.
- (7) A determination under subsection (5)(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.
- (8) If the adjudicator determines under subsection (5)(b) that another school is to be required to admit the child—
 - (a) the admission authority for the school shall admit the child to the school, and
 - (b) if the admission authority are not the governing body of the school, the admission authority shall give notice in writing to the governing body and head teacher of the school of the adjudicator's decision.
- (9) Regulations may make provision—
 - (a) requiring the adjudicator to consult prescribed persons or persons of a prescribed description before making any determination in connection with a reference under this section;
 - (b) requiring an admission authority for a maintained school to provide information which—
 - (i) falls within a prescribed description, and
 - (ii) is requested by the adjudicator for the purposes of any such determination.”

Textual Amendments

F1 Words in Pts. 1-7 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. 14(2)**

Commencement Information

I1 S. 48 in force at 8.1.2007 by [S.I. 2006/3400](#), **art. 3(a)**

Changes to legislation:

Education and Inspections Act 2006, Section 48 is up to date with all changes known to be in force on or before 07 June 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.
[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

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. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)