

EXPLANATORY MEMORANDUM TO
THE EDUCATION (ADMISSION FORUMS) (ENGLAND) (AMENDMENT)
REGULATIONS 2007

2007 No. 192

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 These Regulations amend the Education (Admission Forums) (England) Regulations 2002 which make provisions for the role of admission forums, and set out the requirements for their constitution and proceedings.

2.2 These Regulations make a new provision for all maintained schools to be members of their local admission forum. They prescribe the tenure of such 'school members', the procedure for their nomination and for the nomination of alternative members. They prescribe the matters a forum may include in its report on how well admission arrangements are working in the area, and the information the forum may request from local authorities and schools for the purposes of preparing such a report.

2.3 They require notification of forum meetings to be given at least one week in advance, and for there to be a majority vote before a forum exercises its new power to refer an objection to the adjudicator.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 These Regulations amend *The Education (Admission Forums) (England) Regulations 2002* and come into force on 27 February 2007.

4.2 The Regulations are made under sections 85A, 85B, and 138(7) of the School Standards and Framework Act 1998 and amend the above regulations to make provision for maintained schools, with certain exceptions, to be members of the admission forum in their local authority area.

4.3 Section 85(1A) of the School Standards and Framework Act 1998 (as inserted by the Education and Inspections Act 2006) gives an admission forum the power to prepare and publish a report on matters connected with the admission of pupils to maintained schools in their area. These Regulations prescribe for the purposes of that section the matters that a forum may include in that report.

4.4 Section 85(1B) of the School Standards and Framework Act 1998 (as inserted by the Education and Inspections Act 2006) provides for admission forums to request information from local authorities (either in the area of the forum, or an adjoining area) and governing bodies of maintained schools, for the purposes of preparing

such a report. These Regulations prescribe the information that they may request in this connection.

4.5 These Regulations also prescribe that forum meetings should be notified to members at least a week in advance.

4.6 Section 90 of the 1998 Act (as amended by the Education and Inspections Act 2006) gives admission forums the power to refer an objection to school admission arrangements to the School Adjudicator. These Regulations require there to be a majority vote before a forum exercises this power to refer such an objection.

5. Territorial Extent and Application

5.1 This instrument applies to England

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Admission Forums are responsible for considering how well local admission arrangements work and advising admission authorities in their area about any changes they feel are necessary. We believe that Admission Forums should play a more active role in ensuring that admission arrangements operate fairly and promote choice and access. Giving them the power to object to the Schools Adjudicator about the admission arrangements of any schools in their area, and the power to publish an annual report on school admissions in their area, will help them fulfil that strengthened role.

Consultation

7.2 A public consultation took place via the Department for Education and Skills Consultation website on the substantive change made by these regulations, alongside the School Admissions Code, between 8 September and 1 December. Members of both Houses were given a copy of the draft regulations at this time as part of a consultation pack called 'School Admissions Consultation 2006'. Local authorities, schools, parent groups, faith groups and other representative organisations were consulted. Some respondents were concerned that the proposal to open up forum membership to all schools in an area would make forums too large to be workable. However, the Department has made it clear that it would be permissible to do what many large local authority areas already do i.e. set up sub-Forums covering smaller geographical areas/clusters of schools, which would facilitate more meaningful local discussion while enabling all schools to attend. Other views were that forums needed the new powers to make them more effective.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

9.1 Clare Howe at the Department for Education and Skills Tel: 01325 391292 or e-mail: clare.howe@dfes.gsi.gov.uk can answer any queries regarding the instrument.