

2009 No. 210

EDUCATION, ENGLAND

**The School Admissions Code (Appointed Day) (England) Order
2009**

Made - - - - *9th February 2009*

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 85(5) of the School Standards and Framework Act 1998^(a):

Citation and application

1.—(1) This Order may be cited as the School Admissions Code (Appointed Day) (England) Order 2009.

(2) This Order applies in relation to England only.

Appointed Day

2. The day appointed for the coming into force of the School Admissions Code (a copy of a draft of which was laid before each House of Parliament on 4th December 2008) is 10th February 2009.

9th February 2009

Sarah McCarthy-Fry
Parliamentary Under Secretary of State
Department for Children, Schools and Families

^(a) 1998. c.31. Section 85 is amended by section 40 of the Education and Inspections Act 2006 (c.40).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 10th February 2009 as the day on which the School Admissions Code (“the Code”) issued under sections 84 and 85 of the School Standards and Framework Act 1998 (“the SSFA 1998”) by the Secretary of State for Children, Schools and Families, comes into force.

The Code replaces the previous School Admissions Code which came into force on 28th February 2007 and applies only in relation to England.

The Code imposes requirements and includes guidelines setting out aims, objectives and other matters in relation to the arrangements for admission to schools.

Under section 84(3) of SSFA 1998, it is the duty of local education authorities, the governing bodies of maintained schools, admission forums, appeal panels and the schools adjudicator when exercising functions under Chapter 1 of Part 3 of the SSFA 1998 to act in accordance with any relevant provisions of the Code. In addition, any other person, when exercising any function for the purpose of the discharge by a local education authority or the governing body of a maintained school of functions under that Chapter, must act in accordance with any relevant provisions of the Code.

The revised version of the Code reflects changes to the law made by sections 150 to 153 of the Education and Skills Act 2008 (“ESA 2008”):

Section 150 of ESA 2008 adds new section 86A to the SSFA 1998. This places a duty on local education authorities to make arrangements to enable a young person to apply for a place at a school, independently of his or her parents, either to study in the sixth form or, if they are above compulsory school age, to study at any level of education. Parents retain the right to apply to schools on behalf of their children. These changes are reflected in paragraph 1.42 of the Code.

Section 151 inserts new sections 88B to 88Q into the SSFA 1998. The effect of section 88C is to replace the requirement in primary legislation that admission authorities in England consult various bodies about their admission arrangements before determining them, with a power to make regulations about the consultation process. The School Admissions (Admission Arrangements)(England) Regulations 2008 (S.I 2008/3089) now prescribe who must be consulted, how often consultation must take place and circumstances in which no, or partial, consultation will be required. These changes are reflected in paragraphs 1.25 to 1.30 and 4.14 of the Code.

New section 88(I) places a new duty on the Schools Adjudicator to consider admission arrangements referred to him by the Secretary of State or mentioned in a local education authority report, and to decide whether they are lawful or not. The Adjudicator must consider complaints on admission arrangements. He also has a new power to consider arrangements which he thinks may be unlawful and which have come to his attention by other means (paragraphs 2.2 , 4.1 and 4.17 of the Code.)

Local authorities are required by new section 88M of the SSFA and the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 (S.I. 2008/3090) to have in place a scheme each year for co-ordinating admission arrangements for maintained schools within their area including in-year admissions (paragraphs 3.1 to 3.16 of the Code.)

New section 88P places a new duty on local education authorities in England to produce an annual report to the Schools Adjudicator on the admission arrangements of maintained schools, Academies, city technology colleges and city colleges for the technology of the arts in their area. The purpose of the report is to inform the Schools Adjudicator (who will in turn report annually to the Secretary of State) of the extent to which admission arrangements comply with admissions legislation and the School Admissions Code, so that the Adjudicator can take appropriate action to ensure fair access. Section 88Q requires any person that the local education authority asks for information which it needs to complete the report, to supply that information to the local education authority (paragraphs 4.7, 4.8 and 4.11 of the Code.)

Copies of the Code (ISBN 9780117067226) may be purchased from TSO (PO Box 29, Norwich, NR3 1GN, telephone orders 0870 600 5522, fax orders 0870 600 5533, text phone 0870 240 3701, e-mail customer.service@tso.co.uk, internet <http://www.tsoshop.co.uk>) and from TSO shops and accredited agents, or downloaded free of charge from the Department for Children, Schools and Families website: www.dcsf.gov.uk/sacode.

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STATUTORY INSTRUMENTS

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