

2009 No. 211

EDUCATION, ENGLAND

**The School Admission Appeals 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 Admission Appeals 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 Admission Appeals 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 Admission Appeals Code (“the Appeals 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 Appeals Code applies only in relation to England.

The Appeals Code replaces the Code issued on 17th January 2008. The revised version of the Code reflects changes to the SSFA 1998 made by sections 150 to 153 of the Education and Skills Act 2008 (“ESA 2008”).

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

Under section 84(3) of the 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.

Section 150 of ESA 2008 inserts section 86A into the SSFA 1998. This places a new duty on local authorities to make arrangements for children to express a preference as to the school at which they wish to receive sixth form education or for children above compulsory school age to express a preference as to the school at which they wish to receive education, other than sixth form education. Section 152 of ESA 2008 amends section 94 of the SSFA 1998 to provide a corresponding right for children to appeal decisions in relation to admissions from the 2010/11 school year. These changes are reflected in paragraphs 1.31, 2.3 to 2.5 and 2.35 of the Code.

The Appeals Code also clarifies that only employees of the local education authority (not the local authority as a whole) are disqualified from serving on appeals panels (paragraph 1.5(c)). It allows locally elected politicians to attend appeal hearings to support the appellant (paragraph 2.14) and clarifies the extent to which panels can consider the legality of admission arrangements (paragraph 3.2(a)). Further, the Appeals Code asks local authorities to advise parents of the statutory limits to infant class sizes which may affect their appeal, and allows independent or religious bodies to more effectively manage appeals on behalf of groups of schools.

The Appeals Code comes into force on 10th February 2009 and applies to all appeals heard on or after that date. The 2008 Codes applies to appeals heard before this date.

Copies of the Code (ISBN 9780117067233) 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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