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STATUTORY INSTRUMENTS

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**2012 No. 8**

The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

PART 2

Admission arrangements

CHAPTER 2

Admission arrangements: looked after children

**Priority for looked after children**

7.—(1) Except where regulations 8, 9, 10 or 11 applies, an admission authority must give first priority in their oversubscription criteria to all relevant looked after children.

(2) For the purposes of this Part—

- (a) “relevant looked after child” means a child who is looked after by the local authority in accordance with section 22 of the Children Act 1989<sup>(1)</sup> at the time an application to a school is made, and
- (b) any reference to an admission authority giving priority in their oversubscription criteria to a relevant looked after child is a reference to the authority giving priority to such a child when determining their admission arrangements before the beginning of each school year in accordance with section 88C.

**Grammar schools**

8.—(1) This regulation applies to an admission authority for a grammar school as defined by section 104(7).

(2) No priority need be given to a relevant looked after child where the arrangements for the admission of pupils are wholly based on selection by reference to ability and provide for only those pupils who achieve the highest ranked results in any selection test to be admitted.

(3) Where paragraph (2) does not apply, the admission authority must give first priority in their oversubscription criteria to all relevant looked after children who meet the pre-set standards of the school.

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<sup>(1)</sup> 1989 c.4; section 22(1) was amended by the Local Government Act 2000 (c.22), Schedule 5, the Children (Leaving Care) Act 2000 (c.35), section 2(2), and the Adoption and Children Act 2002 (c.38), section 116(2). There are further amendments to section 22 which are not relevant for these Regulations.

### **Schools designated as having a religious character**

**9.**—(1) This regulation applies to an admission authority for a school which has been designated as having a religious character by an order under section 69(3).

(2) The admission authority may give first priority in their oversubscription criteria to all relevant looked after children, whether or not they are of the same faith as that of the school in accordance with its designation, and must in any event—

- (a) give first priority to all relevant looked after children who are of that faith, and
- (b) give higher priority to all relevant looked after children not of that faith than to all other children not of that faith.

### **Schools with pre-existing selection arrangements**

**10.**—(1) This regulation applies to an admission authority for a school which has pre-existing selection arrangements.

(2) No priority need be given to a relevant looked after child where the arrangements for the admission of pupils are wholly based on selection by reference to ability and provide for only those pupils who achieve the highest ranked results in any selection test to be admitted.

(3) Where paragraph (2) does not apply, the admission authority must give first priority in their oversubscription criteria to all relevant looked after children who meet the pre-set standards of the school.

(4) Where the admission authority have allocated places in accordance with paragraph (2) or (3), they must give higher priority to all relevant looked after children who have not been allocated a place on the basis of their ability or aptitude in the oversubscription criteria than to all other children who have not been offered a place on the basis of their ability or aptitude.

### **Schools which select by pupil banding**

**11.**—(1) This regulation applies to an admission authority for a school which makes provision for selection by ability in accordance with section 101(1) or (1A)(2) (permitted selection: pupil banding).

(2) The admission authority must give first priority in their oversubscription criteria to all relevant looked after children within each band over all other children eligible for a school place within that band.

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(2) Subsections 101(1) and (1A) were amended and inserted respectively by the Education and Inspections Act 2006 (c.40), section 54(1).