

SCHEDULE 2

Regulation 26

Requirements of a qualifying scheme

General

1. A qualifying scheme must—
 - (a) ensure, so far as is reasonably practicable, that each parent in the local authority's area who makes an application on the common application form in respect of the admission of a child to a school receives a single offer of a school place under the scheme;
 - (b) ensure, so far as is reasonably practicable, in any case where a child is eligible to be granted admission to more than one school, that the child is offered admission to whichever of those schools is ranked highest on the common application form;
 - (c) require a common application form to be completed, enabling a parent in a local authority's area—
 - (i) to provide their name and address, and the name, address and date of birth of the child,
 - (ii) to apply for no fewer than three schools, whether or not any school for which an application is made is within the local authority's area,
 - (iii) to give reasons for any application;
 - (iv) to rank each application in relation to any other application;
 - (d) identify for each school to which the scheme applies whether it is the local authority or the governing body who are the admission authority;
 - (e) where the governing body who are the admission authority for such a school have made arrangements for another body to determine the order of priority under paragraph 5(b), identify that body; and
 - (f) specify that any notification of acceptance of a school place must be received by the local authority within two weeks after the date of the offer.

Applications made in the course of a normal admission round

2.—(1) This paragraph specifies provisions to be made in a qualifying scheme about applications made in the course of a normal admission round.

- (2) A qualifying scheme must—
 - (a) require the common application form to be submitted to the local authority by 31st October in the offer year, in relation to applications for secondary schools, and 15th January in the offer year, in relation to applications for primary schools;
 - (b) specify how applications submitted after the dates mentioned in sub-paragraph (2)(a) will be processed;
 - (c) require a local authority to send any determination granting or refusing admission to a school to a parent on the offer date (such determination being sent on behalf of the school's governing body in any case where the local authority are not the admission authority for the school); and
 - (d) specify the dates by which each of the steps required to be taken in accordance with this Schedule is to be performed, including where the date is specified in this Schedule.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Applications for in-area schools

3.—(1) This paragraph specifies provisions to be made in a qualifying scheme about applications made for a school in the area of the local authority.

(2) The scheme must require the local authority—

- (a) where the application is for a school for which the governing body are the admission authority, to forward details of the application, together with any supporting information provided by the parent, to the governing body or the body with whom the governing body has made arrangements under paragraph 5(b) (except where that body is the authority);
- (b) where the application is for a school for which the local authority are the admission authority, to determine by reference to the school’s admissions criteria the order of priority in which the application for the school is ranked;
- (c) in any case where it appears to the local authority, having regard to—
 - (i) any determination made in accordance with paragraph (b), and
 - (ii) any information sent to them in accordance with paragraph 5(c),that a child in their area is eligible to be granted admission to more than one school, or is not eligible to be offered admission to any school, to determine in accordance with the provisions of the scheme whether the child is to be granted or refused admission to a school in their area;
- (d) in any case where the local authority determine in accordance with paragraph (c) that a child is to be granted or refused admission to a school in their area for which they are not the admission authority, to notify the school’s governing body of their determination;
- (e) except where paragraph (f) applies, to send any determination granting or refusing admission to a school to the parent (such determination being sent on behalf of a school’s governing body in any case where the local authority are not the admission authority for the school); and
- (f) with regard to any application relating to a child living in a different local authority’s area, to notify that local authority of their determination.

Additional duties on an authority relating to applications for out-of area schools

4.—(1) This paragraph applies where a parent in the area of a local authority (“the home authority”) applies under the common application form for a school in the area of a different local authority (“the maintaining authority”).

(2) The home authority must forward details of the application to the maintaining authority, together with any supporting information provided by the parent.

(3) A qualifying scheme must—

- (a) specify that, in determining in accordance with paragraph 3(2)(c) whether the child is to be granted or refused admission to any school in the home authority’s area for which an application has also been made, that authority will have regard to any information provided by the maintaining authority as to whether the child is to be granted admission to a school within that authority’s area; and
- (b) require the home authority to send any determination granting or refusing admission to the school in the maintaining authority’s area to the parent (such determination being sent on behalf of the school’s governing body in any case where they are the admission authority for the school).

Duties of governing body under a qualifying scheme

5. A qualifying scheme must require a governing body who are the admission authority for a school—

- (a) to forward to their local authority details of any applications made directly to the school in the normal admission round or as a late application, together with any supporting information provided by the parent (regardless of whether the parent making the application resides in that local authority's area);
- (b) to determine or make arrangements for another body (including their local authority) to determine by reference to the school's admissions criteria the order of priority in which each application for the school is ranked; and
- (c) to notify or, where arrangements have been made under sub-paragraph (b) for another body (not being their local authority) to make a determination, to arrange for that body to notify their local authority of their determination.