

EXPLANATORY MEMORANDUM TO
THE EDUCATION (ADMISSION OF LOOKED AFTER CHILDREN) (ENGLAND)
REGULATIONS 2006

2006 No. 128

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The regulations require admission authorities in England to give priority in their admission arrangements to looked after children. The regulations set out certain limited exceptions to this requirement.
3. **Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Section 89(1A) of the School Standards and Framework Act 1998, inserted by section 106 of the Education Act 2005, allows the Secretary of State to make regulations relating to the admission of looked after children to maintained schools in England. These regulations are the first use of the power. These regulations are being made so that the admission authorities of maintained schools in England (local authorities in the case of community and voluntary controlled schools and the governing body in the case of foundation and voluntary aided schools) are required to give priority in their admission arrangements to looked after children. A looked after child is one who is looked after by a local authority within the meaning of section 22 of the Children Act 1989.
5. **Extent**
 - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**
 - 6.1 The Secretary of State for Education and Skills has made the following statement regarding Human Rights:

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 Looked after children (sometimes also referred to as children in care) are a disadvantaged group who have very low average levels of attainment. Requiring

admission authorities to give these children top priority in their admission arrangements will, with certain limited exceptions, enable them to obtain a place at their preferred school. The provision will be of greatest benefit where the looked after child's corporate parent wants the child to attend an oversubscribed school for which the child would otherwise have a relatively low priority because they did not live within the school's traditional catchment area.

7.2 The main exceptions are:

- 7.2.1 grammar schools – where only those grammar schools that select pupils that have reached a pre-set standard will be required to give priority to looked after children that have met that standard; and
- 7.2.2 schools with a religious character – who must as a minimum give priority to looked after children of the faith, but can give priority to all looked after children.

7.3 A full consultation took place between 26 July and 18 October. There were no objections to the principle of giving looked after children priority for admission to schools, though some respondents thought they should be given an absolute guarantee of a place at preferred schools. Some also disagreed with faith schools being permitted to give priority to applicants of their faith before other looked after children.

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

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