

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under sections 1, 88B, 88C, 88D, 88E, 88F, 88G, 88H, 88I, 88K, 88L, 92, 100, 102 and 138(7) of the School Standards and Framework Act 1998 (SSFA 1998) and section 29(3) of the Education Act 1996 and come into force on 31<sup>st</sup> December 2008 in relation to admission arrangements for maintained schools for the academic year 2010-2011.

They are largely consolidating Regulations, which revoke (or disapply from England) and re-enact with some amendments: the Education (Proportion of Selective Admissions) Regulations 1998, the Education (Aptitude for Particular Subjects) Regulations 1999 and one set of amending Regulations, the Education (Determination of Admission Arrangements) Regulations 1999 and three sets of amending Regulations, the Education (Admission of Looked After Children) (England) Regulations 2006, and the School Admissions (Alteration and Variation of, and Objections to, Arrangements) (England) Regulations 2007 and one set of amending Regulations.

They also make a number of changes consequent on the changes to SSFA 1998 made by the Education and Skills Act 2008.

Parts 2 and 3 prescribe matters in relation to the content of the admission arrangements determined by admission authorities each year: the calculation of admission numbers (**regulation 4**); the proportion of selective admissions (**regulation 5**); the prescribed subjects for selection by aptitude (**regulation 6**); and the priority to be given to looked after children (children in the care of a local authority) (**regulations 7 to 11**).

Part 4 prescribes matters in relation to the procedure for determining admission arrangements: persons who must be consulted in relation to proposed admission arrangements (**regulation 12** – this is a new provision, persons to be consulted having previously been set out in SSFA 1998); matters to which consultation is to relate (**regulation 13**); additional consultation of trade unions representing teachers at the school in the case of a proposed increase in admission number (**regulation 14** – this is a new provision); circumstances in which consultation is not required (**regulation 15** – a new provision that admission authorities need only consult every 3 years where their admission arrangements have not changed); the manner of consultation (**regulation 16**); and the time for consultation (**regulation 17** – this is an amended provision introducing a time table for consultation requiring that all consultations allow at least 8 weeks for consultees to respond and, for consultations in relation to admission arrangements for the academic year 2011/2012 onwards start no earlier than 1<sup>st</sup> November).

Part 5 prescribes matters in relation to the notification of determined admission arrangements: the manner of notification (**regulation 18**); publication of information by the local authority (LA) (**regulation 19** – this is amended to include a new requirement that all LAs publish a notice explaining parents' right to object to the adjudicator); and additional publication by admission authorities in certain cases (**regulation 20**).

Part 6 prescribes certain matters in relation to the variation or alteration of admission arrangements after they have been determined: variations which do not need to be referred to the adjudicator (**regulation 21**); notification of varied arrangements (**regulation 22**); and restrictions on alteration following the establishment or expansion of a school (**regulation 23**).

Part 7 prescribes matters in relation to the reference to the adjudicator of objections to admission arrangements: objections that may be referred by bodies such as LAs and schools (**regulation 24**); time limits for objections (**regulation 25**); parents who are eligible to object (**regulation 26**); the

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

types of objection which can be made by parents (**regulation 27**); and the condition to be met before an objection can be made by parents to a lower than indicated admission number (**regulation 28**).

Part 8 deals with the adjudicator's consideration of determined admission arrangements both where objections are referred to him and where he considers the arrangements under his new power in section 88H SSFA 1998: information to be provided to the adjudicator by admission authorities (**regulation 29**); the requirement that the admission authority notify whichever of the LA or governing body are not the admission authority where the adjudicator is considering the admission arrangements for a school (**regulation 30** – this is a new provision); publication of the adjudicator's reports (**regulation 31**); power for other schools to alter their arrangements following an adjudicator's decision (**regulation 32**); and restrictions on the alteration of admission arrangements following an adjudicator's decision (**regulation 33**).

Part 9 makes amendments to other instruments: in the Education (Infant Class Sizes) (England) Regulations 1998 the words "qualified teacher" are replaced with the words "school teacher" wherever they appear, to reflect the same change made to sections 1 and 4 of the SSFA by the Education Act 2002 (**regulation 24**); and in the Information as to Provision of Education (England) Regulations 2008 the definition of "application" is amended to reflect changes made to section 86 of, and the insertion of section 86A into, the SSFA 1998 (**regulation 35**). The Education (Proportion of Selective Admissions) Regulations 1998 and the Education (Aptitude for Particular Subjects) Regulations 1998 are amended so that they no longer apply in England (**regulations 36 and 37** respectively).