

2012 No. 216

EDUCATION, ENGLAND

**The School Admissions Code and School Admission Appeals
Code (Appointed Day) Order 2012**

Made - - - - *30th January 2012*

The Secretary of State for Education makes the following Order in exercise of the power 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 Admissions Code and School Admission Appeals Code (Appointed Day) Order 2012.

(2) This Order applies in relation to England.

Appointed day

2. The day appointed for the coming into force of the School Admissions Code and of the School Admission Appeals Code (copies of drafts of which were laid before each House of Parliament on 1st December 2011) is 1st February 2012.

30th January 2012

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st February 2012 as the day on which the School Admissions Code (“the Admissions Code”) and the School Admission Appeals Code (“the Appeals Code”) (“the Codes”) come into force.

The Codes are issued under sections 84 and 85 of the School Standards and Framework Act 1998 (“the SSFA 1998”) by the Secretary of State for Education. These impose mandatory requirements and include guidelines setting out aims, objectives and other matters. The requirements and guidelines in the Admissions Code relate to the arrangements under which pupils are admitted to maintained schools in England. Those in the Appeals Code relate to appeals against decisions on admissions to maintained schools in England. Both Codes are applied to Academies through their funding agreements. Under section 84(3) of the SSFA 1998, it is the duty of local authorities, governing bodies of maintained schools, admission appeal panels and the schools adjudicator when exercising functions under Chapter 1 of Part 3 of the SSFA 1998 (admission arrangements) to act in accordance with any relevant provisions of the Codes.

The Admissions Code replaces the School Admissions Code which came into force on 10th February 2010 and the Appeals Code replaces the School Admission Appeals Code which came into force on 10th February 2009. Both Codes condense and shorten the previous Codes and remove non-mandatory guidance. Each also makes some changes. The Admissions Code:

- gives priority to children who leave local authority care under adoption, special guardianship or residence orders (‘previously looked after children’) in addition to those still looked after by local authorities,
- introduces a single national offer day for primary schools from 16 April 2014 onwards,
- removes the need for admission authorities to set admission numbers with regard to capacity assessments,
- changes the requirements for admission authorities to consult on their admission arrangements, including increasing from three to seven the number of years during which arrangements need not be consulted on if they remain unchanged,
- permits priority to be given to children of school staff who have been employed with the school for two or more years or who are being recruited for a specific skillset that is in short supply,
- adds new categories of children (twins and children from multiple births, children of military service families and previously looked after children) who do not count towards the statutory limit on infant class sizes,
- allows in-year applications (applications made after the beginning of the school year or applications for admission to a year-group in which new pupils do not normally join the school) to be made directly to schools that are their own admission authorities,
- limits the random allocation of school places, and
- reflects changes made by the Education Act 2011 about the referral to the adjudicator of objections to admission arrangements.

The Appeals Code consolidates the decision-making processes for different types of appeals and makes changes to the composition of appeal panels.

The Admissions Code will principally affect admission arrangements for the academic year 2013-2014. The Appeals Code will apply to appeals lodged on or after 1st February 2012.

Copies of the Codes can be downloaded free of charge from the Department for Education website:

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations>.

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STATUTORY INSTRUMENTS

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