EXPLANATORY MEMORANDUM TO

THE EDUCATION (DETERMINATION OF ADMISSION ARRANGEMENTS) (AMENDMENT) (ENGLAND) REGULATIONS 2007

2007 No. 497

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

   This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

   2.1 This instrument amends the Education (Determination of Admission Arrangements) Regulations 1999 and contains provision made as a result of amendments made to section 89 of the School Standards & Framework Act 1998 by the Education & Inspections Act 2006.

   2.2 SI497 support the new parental right of objection to admission arrangements which do not comply with the mandatory provision of the School Admissions Code or admissions legislation (prescribed by SI496, "The School Admissions (Alteration and Variation of, and Objections to, Arrangements)(England) Regulations 2007").

   2.3 It does this by requiring local authorities to publish information in a local newspaper by 1 May each year. This information must set out the extent to which each admission authority in the local authority area has determined its admission arrangements and details of where copies of determined admission arrangements may be found. It must also advise parents of their right of objection, the address to which they should send objections, the timescale for doing so, and give them a contact at the local authority for provision of further information.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

   3.1 None

4. **Legislative Background**

   4.1 The instrument results from changes made to the School Standards and Framework Act 1998 by the Education and Inspections Act 2006. The 2006 Act inserts new provisions into the 1998 Act relating to determination of admission arrangements.

   4.2 These Regulations are made under sections 89(8)(fa) and (g), 89(8A) and 138(7) of the School Standards & Framework Act 1998.

5. **Territorial Extent and Application**

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 As the fairness of local admission arrangements directly affects them, the policy aim was to enable parents to lodge objections to the use of admission criteria or practices which are prohibited by the School Admissions Code or legislation, or where criteria which must be included have been omitted e.g. there is a statutory duty to give priority for admission to Looked After Children.

7.2 After conducting an annual local consultation process with other admission authorities, the Admissions Forum and schools, each admission authority must, by 15 April, formally determine the admission arrangements it intends to operate for the following year's intake. This instrument requires local authorities to, by 1 May at latest, publish information in a local newspaper, advising parents of the extent to which each admission authority has met that duty, provide details of where the determined arrangements can be found and inspected, and advise them of details of where these arrangements can be found and of their right of objection to them.

Consultation

7.3 The requirement to publish a notice in the newspaper, advising parents of determination of admission arrangements and of their right of objection, was consulted on alongside the draft School Admissions Code, being originally contained in draft Regulations on Objections to Admission Arrangements. No comments were made in response to this aspect of the consultation, though minor changes have been made since consultation i.e. the duty to publish a notice falls to local authorities, rather than to individual admission authorities (so that one notice will be published for each area, rather than several), and 1 May has been specified as the latest date by which a notice must be published.

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

9.1 Neil Lawson at the Department for Education and Skills Tel: 0207 925 5694 or e-mail: neil.lawson@dfes.gsi.gov.uk can answer any queries regarding the instrument.