STATUTORY INSTRUMENTS

2013 No. 1553

EDUCATION, ENGLAND

The Lawrence Sheriff School (Pupil Premium Admissions Priority) Order 2013

Made - - - -	*20th June 2013*
Laid before Parliament	*27th June 2013*
Coming into force - -	*18th July 2013*

The governing body of Lawrence Sheriff School ("the School") being a qualifying body for the purposes of Chapter 1 of Part 1 of the Education Act 2002 ("the Act")**(a)** have applied for an Order to be made under section 2(1) of the Act.

In accordance with section 4(2) of the Act the governing body of the School have consulted—

(a) the local authority who maintain the school; and

(b) such persons as appear to them to be appropriate.

It is the opinion of the Secretary of State that the implementation by the governing body of the School of the innovative project provided for by this Order may contribute to the raising of educational standards in England.

In forming that opinion, the Secretary of State—

(a) has had regard to the need for the curriculum for any school affected by the project to be a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of children and of society; and

(b) has considered the likely effect of the project on all the pupils or students who may be affected by it.

It does not appear to the Secretary of State that this Order would be likely to have a detrimental effect on the education of children with special educational needs.

Accordingly the Secretary of State in exercise of the powers conferred by sections 2(1) and 210 of the Act makes the following Order.

Citation, commencement and expiry

1.—(1) This Order may be cited as the Lawrence Sheriff School (Pupil Premium Admissions Priority) Order 2013.

(**a**) 2002 c. 32.

(2) This Order—

(a) comes into force on 18th July 2013; and

(b) ceases to have effect at the end of the day on 17th July 2016.

Interpretation

2.—(1) For the purposes of this Order a pupil is a pupil in respect of whom a pupil premium would be payable to the School if, were that pupil to become a registered pupil there, the local authority would, from the pupil premium grant paid to it by the Secretary of State under section 14 of the Act, pay to the School in respect of that pupil an amount to which the School is entitled under the terms and conditions of the grant.

(2) In this Order—

"the 1998 Act" means the School Standards and Framework Act 1998(**a**);

"the Code" means the School Admissions Code 2012(**b**);

"the Governing Body" means the governing body of the School; and

"the School" means Lawrence Sheriff School.

Application of relaxed and modified provisions

3. The provisions as relaxed and modified by articles 4 and 5 of this Order apply to the Governing Body only insofar as they enable them to give priority for admission to the School to a pupil in respect of whom a pupil premium would be payable to the School.

Relaxation of requirements imposed by the School Standards and Framework Act 1998

4. The requirement imposed by section 84(3) of the 1998 Act (code for school admissions)(**c**) to act in accordance with the relevant provisions of the Code is relaxed in its application to the Governing Body as follows—

(a) the Governing Body are not required to act in accordance with paragraphs 1.9(f) and 2.4(a) of the Code; and

(b) in respect of paragraph 3.6 of the Code the Governing Body may propose variations which are not considered necessary because of a major change in circumstances.

Modification to the School Standards and Framework Act 1998

5. In consequence of provision made by article 4(b) in section 88E(1)(b) of the 1998 Act (variation of admission arrangements)(**d**) omit "in view of a major change in circumstances occurring since they were so determined".

John Nash
Parliamentary Under Secretary of State
Department for Education

20th June 2013

(**a**) 1998 c. 31.
(**b**) The School Admissions Code 2012 was issued under section 84(1) of the 1998 Act and came into force on 1 February 2012 as appointed by the Secretary of State in the School Admissions Code and School Admission Appeals Code (Appointed Day) Order 2012, S.I. 2012/216.
(**c**) Section 84(3) was amended by section 40(4) of the Education and Inspections Act 2006 (c. 40).
(**d**) Section 88E was inserted by section 151(1) and (4) of the Education and Skills Act 2008 (c. 25).

EXPLANATORY NOTE

(This note is not part of the Order)

Lawrence Sheriff School ("the School") is a voluntary aided school, the admission authority for which is the School's Governing Body which, as such, must determine the arrangements for the admission of pupils to the School. In discharging this function the Governing Body is required to act in accordance with the provisions in Part 3 of the School Standards and Framework Act 1998 ("the 1998 Act") and the statutory School Admissions Code 2012 ("the Code"), issued by the Secretary of State under section 84 of the 1998 Act. This Order relaxes and modifies provisions in the 1998 Act to enable the Governing Body of the School to give priority in their admission arrangements to those pupils in respect of whom the School would receive Pupil Premium, which is additional funding given to schools to support disadvantaged pupils. In this context disadvantaged pupils are those children who qualify for free school meals.

Article 4 relaxes the application of section 84(3) of the 1998 Act which requires the Governing Body to act in accordance with any relevant provisions of the Code and so enables the Governing Body to ask for information that would establish whether the child would be entitled to Pupil Premium. By Article 4(a), the Governing Body are not required to act in accordance with paragraphs 1.9(f) and 2.4(a) of the Code. Paragraph 1.9(f) says that while it is for admission authorities to formulate their admission arrangements they must not give priority to children according to, among other things, the occupational or financial status of parents applying. Paragraph 2.4(a) prohibits admission authorities from asking for personal details about parents and families, such as financial status.

Once admission arrangements have been determined for the academic year then, by paragraph 3.6 of the Code, the admission authority cannot revise them unless such revision is necessary to give effect to a mandatory requirement of the Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations but only where they consider such changes necessary in view of a major change in circumstances and such proposals must be referred to the Schools Adjudicator. Article 4(b) relaxes the application of paragraph 3.6 of the Code so that the Governing Body can propose a variation after the admission arrangements have been determined even where the variation is not necessary because of a major change of circumstances. This will allow the Governing Body to propose the variation allowed by the Order in time for admissions in September 2014.

Section 88E of the 1998 Act provides a procedure for admission arrangements to be varied after they have been determined but where there has been a major change in circumstances since determination. Article 5 modifies section 88E(1)(b) with the effect that the procedure applies where the arrangements have been determined and the admission authority thinks that the arrangements should be changed for any reason and not in view of a major change in circumstances since the arrangements were determined.

By article 3 the relaxation of the specified requirements under the Code and the modification of section 88E of the Act apply to the Governing Body only so that they can give priority to children in receipt of Pupil Premium.

The Order is made on the application of the Governing Body and will cease to have effect on 17th July 2016.

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