EXPLANATORY MEMORANDUM TO

THE SCHOOL ADMISSIONS (ADMISSION ARRANGEMENTS AND CO-ORDINATION OF ADMISSION ARRANGEMENTS) (ENGLAND) (AMENDMENT) REGULATIONS 2024

2024 No. 109

1. Introduction

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

2. Purpose of the instrument

2.1 This Statutory Instrument ("SI") amends The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012 ("the School Admissions Regulations") to update Schedule 4 of the regulations which lists rabbinic authorities and other representative bodies ("religious bodies") and schools.

2.2 These religious bodies have certain functions relevant to admission arrangements for schools designated as having a religious character ("faith schools"). These amendments ensure that the list of religious bodies in Part 1 of Schedule 4 of the School Admissions Regulations is up to date.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England only.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 Maintained schools in England are designated as having a religious character by an order made by the Secretary of State under section 69(3) of the School Standards and Framework Act 1998 ("the SSFA"). Section 69(3) also applies to independent schools (including academies) by virtue of section 124B of that Act.

6.2 State-funded faith schools are permitted under the Equality Act 2010 to admit pupils based on their religion or religious belief when the school is oversubscribed.

6.3 Through powers under section 84 of the SSFA the Secretary of State makes a School Admissions Code ("the Code"). The Code imposes requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of

school admissions functions by local authorities, governing bodies of maintained schools, appeal panels and schools adjudicators.

6.4 Not all faith schools have a religious body and there is no requirement for them to do so. Where a faith school does have a religious body, the Code requires the admission authority to consult the religious body on its faith-based admission arrangements and have regard to the religious body's guidance on faith admissions in general. If a faith school wishes to take account of religious activities in its admission arrangements (such as attendance at a place of worship), these must be specifically as laid out by the religious body for that school, insofar as the religious body's advice complies with the Code.

6.5 In addition, the School Governance (Constitution) (England) Regulations 2012 confer certain functions on religious bodies, including that they must approve their school's instrument of governance before it can be finalised. These functions are conferred, by those Regulations, on bodies named in the Schedules to the School Admissions Regulations.

6.6 This SI (the School Admissions (Admission Arrangements and Co-ordination of Admission arrangements) (England) (Amendment) Regulations 2024) is made under powers set out in sections 88C, 88E and 88F of the SSFA. Sections 88C and 88E provide that religious bodies must be notified of determined admission arrangements and of any subsequent variations. Section 88C contains a power to make regulations setting out who must be consulted on proposed admission arrangements before they are determined. Under section 88F of the SSFA the Secretary of State has the power to make regulations prescribing religious bodies for faith schools.

6.7 Regulation 34 and Schedule 3 of the School Admissions Regulations specify the bodies or persons that represent the religion or religious denomination in question for local authority-maintained faith schools. Where there is no one representative body that can represent the whole religion or religious denomination, the representative bodies for individual schools are listed in Schedule 4.

6.8 This SI amends Part 1 of Schedule 4 of the School Admissions Regulations to ensure that it is up to date. The religious bodies for academy faith schools are specified in the academies' funding agreements rather than the School Admissions Regulations.

7. Policy background

What is being done and why?

7.1 The requirement for faith schools to consult their religious body serves to ensure that faith admission arrangements are in line with the principles or beliefs of the faith designation and to reduce unfair admissions practices such as prioritising children based on personal acquaintances, or the adoption of complex and opaque points-based admissions systems.

7.2 The School Admissions Regulations were amended in 2022 but, since then, there have been changes affecting a Jewish maintained school. The London Borough of Barnet decided in August 2023 to de-amalgamate Menorah Primary School, a voluntary aided, co-educational Jewish primary school of 1-3 the Drive, Golders Green, London, NW11 9SP. On 1 January 2024, Menorah Primary School became a Jewish girls' voluntary aided primary school (changing its name to 'Menorah Primary School for Girls') and a new Jewish boys' voluntary aided primary school opened ('Menorah Primary School for Boys'). It is therefore necessary to amend the regulations to

include a religious body for the new boys' school and to change the name of the primary school to make clear Golders Green Beth Hamedrash is the religious body (rabbinic authority) for both the boy's and girls' voluntary aided primary schools.

7.3 This SI amends Part 1 of Schedule 4 of the School Admissions Regulations to keep them up to date. Names and details have been updated where necessary.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 There is no plan to consolidate.

10. Consultation outcome

10.1 There is no statutory requirement for the Department to consult on the SI. However, officials sought the views of interested stakeholders in November 2023. The stakeholders were the London Borough of Barnet, the headteacher and chair of governors of Menorah Primary School, Golders Green Beth Hamedrash (the rabbinic authority named in the School Admissions Regulations as the religious body for Menorah Primary School), and lawyers for the school.

10.2 Respondents confirmed the names of the two schools, their postcodes and, that Golders Green Beth Hamedrash should be named as rabbinic authority for both the boys' school and the girls' school.

11. Guidance

11.1 No guidance is required as the role of Jewish rabbinic authorities listed in Schedule 4 is specified in the Code.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on business, charities or voluntary bodies.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is through regular stakeholder engagement.

14.2 The instrument does not include a statutory review clause.

15. Contact

15.1 Mark Earl at the Department for Education. Telephone: 0207 340 8153 or email: mark.earl@education.gov.uk can be contacted with any queries regarding the instrument.

15.2 Kim Sibley, Deputy Director for Admissions, School Organisation and Transport, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Rt Hon Damian Hinds MP (Minister of State for Schools) at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.