STATUTORY INSTRUMENTS

2008 No. 3091

EDUCATION, ENGLAND

The School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008

Made - - - -	*3rd December 2008*
Laid before Parliament	*11th December 2008*
Coming into force - -	*10th February 2009*

CONTENTS

PART 1
General

1. Citation, commencement and application
2. Interpretation
3. Regulations revoked

PART 2
Reports by local authorities to the adjudicator

4. Matters connected with relevant school admissions
5. Form and content of local authority reports
6. Provision of information to local authority
7. Timing of local authority reports

PART 3
Admission Forums: constitution, meetings and proceedings

8. Membership of a forum
9. Appointment and tenure of members
10. Alternate members
11. Election to office
12. Secretary to a forum
13. Meetings of a forum
14. Sub-committees
15. Joint forums

PART 4

Admission forums: purpose and functions

16. Purpose and functions of a forum
17. Advice and recommendations of a forum
18. Forum reports
19. Provision of information to forum
20. Publication of forum reports

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 85A, 85B, 88P, 88Q and 138(1) and (7) of the School Standards and Framework Act 1998(**a**):

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008 and come into force on 10th February 2009.

(2) These Regulations apply only in relation to England.

Interpretation

2.—(1) In these Regulations—

"SSFA 1998" means the School Standards and Framework Act 1998;

"academic year" means a period commencing with 1st August and ending with the next 31st July;

"fair access protocol" means an arrangement made by the authority which aims to ensure that children who have no school place are offered a place at a suitable school as quickly as possible;

"forum" means an admission forum established in accordance with section 85A and these Regulations, and includes a joint admission forum;

"local authority report" means a report prepared by a local education authority under section 88P;

"looked after child" means a child who is looked after by a local authority in accordance with section 22 of the Children Act 1989;(**b**)

"preference" means a preference expressed in accordance with arrangements made under section 86(1) or section 86A(1)(c) or (d), as to the school at which education is to be provided for a child;(**c**)

"relevant area" in relation to a forum means the area of the local education authority that established the forum or, in the case of a joint forum, the areas of the local education authorities that established the forum;

(**a**) 1998 c.31; sections 85A and 85B are inserted by sections 46 and 66 respectively of the Education Act 2002 (c. 32); section 88P is inserted by section 151 of the Education and Skills Act 2008 (c.25). See section 142(1) of the SSFA1998 for the definitions of "regulations" and "prescribed".

(**b**) c. 41.

(**c**) Section 86 is amended by paragraph 54 of Schedule 1 to the Education and Skills Act 2008; and section 86A is inserted by section 150 of that Act.

"the Admission Arrangements Regulations" means the School Admissions (Admission Arrangements) (England) Regulations 2008(**a**); and

"secretary" means the secretary of a forum appointed under regulation 11.

(2) Save where otherwise appears, any reference in these Regulations to a numbered section or Part is a reference to that section or Part of SSFA 1998.

Regulations revoked

3. The Education (Admission Forums) (England) Regulations 2002(**b**) and the Education (Admission Forums) (England) (Amendment) Regulations 2007 are revoked.

PART 2

Reports by local authorities to the adjudicator

Matters connected with relevant school admissions

4.—(1) For the purposes of section 88P(1) *(matters connected with relevant school admissions)*(**c**) the prescribed matters are—

(a) the authority's assessment of the extent to which the current admission arrangements in the area of the authority serve the interests of looked after children, children with disabilities and children with special educational needs;

(b) the authority's assessment of how well the fair access protocol has worked since the relevant date, and how many children have been admitted to each relevant school in the area of the authority under the protocol during that period;

(c) whether primary schools are complying with the limit on infant class sizes imposed by section 1;

(d) the number of appeals made under arrangements made under section 94 in respect of each school for which the authority is admission authority since the relevant date, and the number of those appeals which were upheld;

(e) the number of appeals made under arrangements made under section 94 in respect of each school in the area of the authority for which the governing body is admission authority since the relevant date, and the number of those appeals which were upheld;

(f) the number of appeals made under arrangements made by each Academy, city technology college and city college for the technology of the arts in the area of the authority since the relevant date, and the number of appeals which were upheld;

(g) the authority's assessment of the extent to which—

(i) the authority, and

(ii) appeals panels in the authority's area established under arrangements made under section 94,

have complied with the mandatory requirements of the Appeals Code since the relevant date;

(h) the authority's assessment of the effectiveness of any scheme for co-ordinating—

(i) the admission of pupils to relevant schools in the authority's area in the next academic year to begin after the date of the report, and

---

(**a**) S.I. 2008/3089.
(**b**) S.I. 2002/2900 amended by the Education (Admission Forums) (England) (Amendment) Regulations 2007 (S.I. 2007/192).
(**c**) A "relevant school" is defined in section 88P(3) of the SSFA 1998 as: a maintained school, an Academy, a city technology college, or a city college for the technology of the arts

(ii) the admission of pupils in the authority's area to other relevant schools in that academic year;

(i) details of the membership of the admission forum established for the area of the authority under section 85A and Part 3 of these Regulations;

(j) details of any other matters which in the opinion of the authority affect the operation of admission arrangements for relevant schools in the area of the authority.

(2) For the purposes of this regulation—

(a) "authority" means the local education authority making a report under section 88P;

(b) "the Appeals Code" means any code for school appeals issued under section 84(**a**);

(c) "current admission arrangements" means the arrangements under which pupils will be admitted to relevant schools in the first academic year to begin after the relevant date; and

(d) "relevant date" means 1st September 2008, or the date of the last local authority report, whichever is the later.

Form and content of local authority reports

5.—(1) In addition to the matters referred to in regulation 4, a local authority report must include the following—

(a) a statement as to whether or not the future admission arrangements for maintained schools in the area of the authority conform with the mandatory requirements of

(i) the School Admissions Code, and

(ii) Part 3 *(school admissions)*; and

(b) the percentage of pupils in each relevant school in the authority's area who are within section 512ZB(4) of the Education Act 1996 *(provision of free school lunches and milk)* as at the date of the statement.(**b**)

(2) For the purposes of this regulation—

(a) "future admission arrangements" means the arrangements under which pupils will be admitted to relevant schools in the second academic year to begin after the date of the local authority report, and

(b) "the School Admissions Code" means any code for school admissions issued under section 84.

Provision of information to local authority

6. For the purposes of section 88Q *(relevant persons who must provide information to a local education authority)*, the clerk to an appeal panel constituted under section 94 is a relevant person.

Timing of local authority reports

7. A local authority report must be made no later than 30th June each year.

(**a**) Section 84 is amended by section 54 of the Education and Inspections Act 2006 (c.40).
(**b**) c. 56; section 512ZB is inserted by section 201 of the Education Act 2002 (c.32).

PART 3

Admission Forums: constitution, meetings and proceedings

Membership of a forum

8.—(1) A forum must comprise no more than 20 members, appointed by the authority in accordance with this regulation and regulation 9, and must include—

(a) at least one representative of each of the following schools which are in the relevant area—

(i) community schools,

(ii) voluntary controlled schools,

(iii) voluntary aided schools,

(iv) foundation schools,

(v) Academies, and

(vi) city technology colleges and city colleges for the technology of the arts;

(b) one representative from each body or person representing the religion or religious denomination of any foundation or voluntary schools or Academies in the relevant area which are designated as having a religious character by an order under section 69(3) or section 124B(**a**);

(c) at least one parent member ; and

(d) at least one person who appears to the members appointed under sub-paragraphs (a) to (c) to represent the interests of any section of the community in the relevant area, and who is not eligible for appointment as a member under any of those sub-paragraphs.

(2) Members falling within paragraph (1)(a) must be either the head teacher or a governor (other than a governor who is appointed to the governing body by the authority and is a member of the authority) and must be appointed following a nomination by the governing body of a maintained school within the relevant area.

(3) Members falling within paragraph (1)(b) must be appointed following a nomination by the relevant body or person prescribed in relation to the religion or religious denomination in regulation 12(7) of the Admission Arrangements Regulations.

(4) Members falling within paragraph (1)(c) must be resident in the relevant area, and the parent of a child who—

(a) has attained the age of two and is receiving primary education, or

(b) is of compulsory school age

at the time of their appointment.

(5) Members falling within paragraph (1)(d) must be appointed following a recommendation by the members appointed under paragraph (1)(a) to (c).

(6) For the purposes of Parts 2 and 3 of these Regulations "authority" means the local education authority for the area for which the forum has been (or is to be) established, or in the case of a joint forum, the local education authorities for the areas for which the forum has been (or is to be) established.

Appointment and tenure of members

9.—(1) Subject to the provisions of this regulation, persons appointed to be members of a forum hold and vacate office in accordance with the terms of their appointment and, on ceasing to be members of the forum, are eligible for reappointment.

(**a**) Section 124B is inserted by the Independent Schools (Employment of Teachers in Schools with a Religious Character) Regulations 2003 (S.I. 2003/2037).

(2) No person may be appointed as a member for a fixed period exceeding 4 years.

(3) A member must vacate office—

(a) where the person was appointed under regulation 8(1)(a), if they cease to be a head teacher or governor of a school falling within that paragraph;

(b) where the person was appointed under regulation 8(1)(b), if the body who nominated the member are of the opinion that the member should no longer be a member of the forum and notify the secretary accordingly;

(c) where the person was appointed under regulation 8(1)(c), if they cease to be a parent member within the meaning of regulation 8(4);

(d) where the person was appointed under regulation 8(1)(d), if the authority, following a recommendation from the members appointed under regulation 8(1)(a) to (c), are of the opinion that the member should no longer be a member of the forum, and

(e) every member of a forum must vacate office if the forum is dissolved pursuant to regulation 15(2).

Alternate members

10.—(1) Subject to paragraphs (2) to (6) any member of a forum may, by giving written notice to the secretary, nominate an alternate member to attend meetings of the forum in their absence, and such nomination remains effective until it is withdrawn.

(2) A member appointed under regulation 8(1)(a) may only nominate an alternate member who is a head teacher or governor of a school which falls within the same sub-paragraph of that regulation as the school of which the member in question is a governor or head teacher.

(3) A member appointed under regulation 8(1)(b) may not nominate an alternate member unless the person or body by which the member was nominated consents to the proposed nomination.

(4) A member appointed under regulation 8(1)(c) may only nominate an alternate member who is a parent within the meaning of that regulation.

(5) A member appointed under regulation 8(1)(d) may not nominate an alternate member unless the authority consents to the proposed nomination.

Election to office

11.—(1) At the first meeting of a forum and each meeting referred to in paragraph (2) the members must elect two members of the forum to be the chair and vice-chair.

(2) Subject to paragraph (3), the chair and vice-chair hold office as such until the next meeting which falls after the date which is a year after the meeting at which they were elected, and on ceasing to hold office are be eligible for re-election.

(3) A person ceases to hold office as the chair or vice-chair—

(i) on ceasing to be a member of the forum, or

(ii) if they resign office by written notice given to the secretary.

(4) In the event of a casual vacancy occurring in the office of chair or vice-chair the members must at their next meeting elect one of their members to fill that vacancy and a member so elected holds office until the date of the meeting at which the chair or vice-chair would have held office had the vacancy not occurred.

Secretary to a forum

12. The members must appoint a person, nominated by the authority, who is not a member of the forum, to act as secretary to the forum.

Meetings of a forum

13.—(1) Subject to any provision made by these Regulations, the members may regulate the procedure of a forum.

(2) A forum must meet at least twice each year.

(3) It is the duty of the secretary or, in the absence of the secretary, of the authority, to notify every member at least one week in advance of the time and place of each meeting.

(4) In any vote regarding the exercise of a forum's power to refer an objection to the adjudicator pursuant to section 88H, the vote must be carried by a simple majority of those members present and, in the case of an equality of votes the chair, or in the absence of the chair, the vice-chair has a second or casting vote.

Sub-committees

14.—(1) Where a sub-committee is established, pursuant to section 85A(2), the forum is responsible for determining the sub-committee's—

(a) membership and constitution;

(b) procedure for convening and holding of meetings; and

(c) promulgation of advice and recommendations.

Joint forums

15.—(1) Subject to paragraph (2) a local authority may establish a joint forum with one or more other local authorities.

(2) Where an authority, having established a forum, subsequently decides to establish a joint forum in accordance with paragraph (1), the existing forum must be dissolved before a joint forum is constituted.

PART 4

Admission forums: purpose and functions

Purpose and functions of a forum

16.—(1) For the purposes of section 85A(1) *(purpose of admission forums)* the role of a forum is to consider and advise on the fairness of admission arrangements for schools in the relevant area, and in particular —

(a) the extent to which the current admission arrangements in the relevant area serve the interests of looked after children, children with disabilities and children with special educational needs;

(b) the effectiveness of any fair access protocol in place in the relevant area;

(c) the effectiveness of any scheme for co-ordinating admission arrangements made or adopted under section 88M(1) in the relevant area and, where relevant, any adjoining local authority area; and

(d) details of any other matters which affect the fair operation of admission arrangements for relevant schools in the relevant area.

(2) A forum must—

(a) advise the authority and the governing bodies of all voluntary aided and foundation schools in the area by 30th November each year which persons or bodies in the area the forum considers have an interest in proposed admission arrangements for the purposes of regulation 12(2)(h) of the Admission Arrangements Regulations;

(b) consider and advise on any proposed qualifying scheme for the co-ordination of admission arrangements referred to it by the authority pursuant to regulation 5 of the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008;

(c) consider admission arrangements referred to it under regulation 12(2)(f) of the Admission Arrangements Regulations for the purposes of consultation and must consider whether to exercise its power to refer an objection to any such arrangements to the adjudicator pursuant to section 88H(2);

(d) consider any composite prospectus(**a**) published by the authority and advise the authority on whether this might be improved to raise the standard of information provided to parents; and

(e) consider whether to produce a report for the purposes of section 85A(1A).

Advice and recommendations of a forum

17. A forum must promulgate their advice and recommendations produced under regulation 16(1) for the purposes of section 85A(1) to all admission authorities, maintained schools, Academies, city technology colleges or city colleges for the technology of the arts within the relevant area, and must make that advice available to any other persons with an interest.

Forum reports

18.—(1) For the purposes of section 85A(1A) *(matters that may be included in a forum report)* the prescribed matters are—

(a) the forum's analysis of the extent to which admission arrangements, or any aspect of admission arrangements, in the relevant area ensure fair access to educational opportunity;(**b**) and

(b) any recommendation the forum wishes to make to improve fair access as a result of their analysis.

(2) For the purposes of this regulation "admission arrangements" includes—

(a) the scheme for co-ordinating admission arrangements made or adopted under section 88M(1) in the relevant area and, where relevant, an adjoining local authority area; and

(b) any school policy which, in the opinion of the forum, affects or may affect, fair access to educational opportunity in the relevant area.

Provision of information to forum

19. For the purposes of section 85A(1B) *(information that may be requested by a forum)* the prescribed information is such information as the forum requires to enable it to carry out its functions under section 85A(1A) and regulation 18.

Publication of forum reports

20. A forum report produced pursuant to section 85A(1A) must be sent to the adjudicator.

Sarah McCarthy-Fry
Minister of State

(**a**) Regulation 5 of, and Schedule 2 to, the School Information (England) Regulations 2008 (S.I.2008/3093) require every local authority to publish a composite prospectus, or prospectuses, by 12th September each year containing information for parents about schools in their area.

(**b**) Section 13A(1)(b) of the Education Act 1996, substituted by section 1 of the Education and Inspections Act 2006, requires all local authorities in England to exercise their functions, so far as they are capable of being so exercised, with a view to ensuring fair access to educational opportunity for children. This duty is extended to all admission authorities by the School Admissions Code.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 85A, 85B, 88P, 88Q and 138 of the School Standards and Framework Act 1998 (SSFA 1998) and come into force on 10th February 2009.

Part 2 deals with local education authority (LA) reports to the adjudicator. The duty on LAs to produce an annual report to the adjudicator is introduced by section 88P of SSFA 1998, inserted by the Education and Skills Act 2008.

It prescribes the matters relevant to admissions to maintained schools, Academies, city technology colleges and city colleges for the technology of the arts in the area of the authority which are to be included in LA reports (**regulations 4 and 5**), and the date by which such reports are to be made (**regulation 7**). Section 88Q provides that certain bodies and persons must provide information to the LA on request to enable the LA to compile their report to the adjudicator. Those persons include the clerk to an admission appeal panel (by virtue of **regulation 6**).

Parts 3 and 4 deal with admission forums established by local authorities under section 85A of the SSFA 1998. They replace the Education (Admission Forums) (England) Regulations 2002 and the Education (Admission Forums) (England) (Amendment) Regulations 2007, which are revoked by these Regulations.

In Part 3 (constitution, meetings and proceedings) they prescribe the membership of a forum (**regulation 8**), the appointment and tenure of members (**regulation 9**), the appointment of alternate members (**regulation 10**) the election of a chair and vice-chair, and appointment of a secretary (**regulations 11 and 12**), they make provision about the meetings of a forum and the establishment of sub-committees (**regulations 13 and 14**). They also provide for two or more LAs to establish a joint forum (**regulation 15**).

In Part 4 (purpose and functions) they prescribe the purpose of admission forums established by LAs under section 85A (**regulation 16**) and the manner in which the advice and recommendations of a forum are to be published (**regulation 17**).

They prescribe the matters which are to be included in forum reports made under section 85A and the information that may be requested by a forum to enable it to compile its report (**regulation 19**) and prescribe that the forum report is to be submitted to the adjudicator (**regulation 20**).

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2008 No. 3091

EDUCATION, ENGLAND

The School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008

£5.00

E3437 12/2008 183437T 19585