

EXPLANATORY MEMORANDUM TO THE

Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) (Amendment) Regulations 2004

2004 No. 1516

- 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 (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002.

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

- 3.1 In its Ninth Report of Session 2002-03 the Joint Committee on Statutory Instruments reported paragraph 6 of the Schedule to the Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 (S.I. 2002/2904) for defective drafting, acknowledged by the Department. This instrument corrects the defect by deleting paragraph 6 of the Schedule.

- 4. Legislative Background**

- 4.1 This instrument is being made to enable more effective co-ordination in cases where LEAs wish to work more closely together where parents apply for places for their child at schools in more than one LEA's area and so that bureaucracy relating to the imposition of coordinated schemes is reduced and the process will be smoother.

- 5. Extent**

- 5.1 This instrument applies to England.

- 6. Policy background**

- 6.1 Section 89B of the School Standards and Framework Act 1998 (inserted by section 48 of the Education Act 2002) provides for the Secretary of State to impose a scheme where the LEA has not been able to secure agreement from admission authorities in its area a scheme it has formulated. Section 89C of the Act provides that an imposed scheme may be varied or revoked by the Secretary of State.
 - 6.2 By virtue of section 89B of the Act the Secretary of State has made the Education (Co-ordinated of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 to require LEAs to formulate and take steps to adopt a scheme for co-ordinating admissions to all secondary schools in their area. The regulations further prescribe the

circumstance in which the Secretary of State may impose a scheme if the LEA is unable to secure agreement with all the admission authorities in its area in an academic year. The Secretary of State must consult the LEA and the governing bodies of schools that are admission authorities before he imposes a scheme. This instrument provides for the Secretary of State to inform a LEA that a scheme imposed for one academic year shall be continued in the following year. It further provides that LEAs may adopt a scheme imposed by the Secretary of State in the previous academic year.

- 6.3 The regulations set out the requirements of a qualifying scheme, including that the scheme shall provide a mechanism for eliminating multiple offers of places at schools within each LEA so that parents receive one offer of a school place and all receive the offer at the same time. The regulations further require neighbouring LEAs to inform each other of applications made by parents in a home LEA to schools situated in a neighbouring LEA. The regulations do not require LEAs to work together to eliminate multiple offers across LEA borders although the home LEA may have regard to an offer of a school place made by a neighbouring LEA to a parent living in its area when deciding whether or not it should itself offer a place. However, we are aware that some authorities, particularly in metropolitan areas such as London, would find it helpful, because of the volume of cross border applications, to be able to work together to offer only one school place. This instrument provides for LEAs to agree that multiple offers of school places across LEA borders may be eliminated and that only one LEA shall notify the parent of the determination.

7. Impact

- 7.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8. Contact

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