

not notified the Secretary of State that a scheme has been agreed by 1 July for September 2004 intakes (but only where the LEA has decided to formulate a scheme in relation to that year) and by 15 April of the relevant calendar year for subsequent intakes. Where the Secretary of State has made a scheme, it must continue until it is varied or revoked. If, following the making of a scheme by the Secretary of State, the LEA subsequently adopts a scheme agreed with other admission authorities which the LEA proposes should adopt a scheme, in accordance with the Regulations, they should notify the Secretary of State so that he can revoke the scheme he imposed.

Agreeing primary schemes

A.36 The requirements to agree schemes are as above, except that for primary schemes, the initial year's scheme is to be formulated by 1 July 2004 and the next year's by 1 January 2005; and consultation is required only with primary admission authorities.

Notification of scheme agreement

A.37 After agreement on a scheme has been reached, a copy should be sent to the Secretary of State. (Confirmation that an existing scheme has been re-instated will be sufficient, if there have been no changes.)

Statutory requirements of a secondary scheme

A.38 Co-ordinated secondary admission schemes applying to intakes from September 2005 (and September 2004, where LEAs have decided to formulate a scheme for that year) should:

- (i) enable parents of children living in a LEA'S area to apply for any maintained school (it is also good practice to include Academies), in their LEA'S area or beyond, by means of a common application form sent to their home LEA. They should be asked to express a minimum of 3 preferences, and be able to give reasons for these preferences;
- (ii) require parents to rank their preferences, even if local admission arrangements do not require applications to be ranked;
- (iii) require the LEA to forward applications, with any supporting information, e.g. medical evidence, religious references or supplementary forms, but not necessarily with the parents' ranking, to other admission authorities within their area, and to other LEAs if an application is for a school in another area;
- (iv) ensure that schools which receive direct applications in error inform their maintaining LEA, whether or not the parent lives in that area, so that the home LEA can ensure that they have received a secondary application form with at least 3 preferences and a ranking from the parent(s);

- (v) ensure that governing bodies who are the admission authority for their school relay information lists, showing the order in which they rank applications for places, to their maintaining LEA by a date specified in the scheme;
- (vi) provide a means for determining what single offer of a school place should be made, where more than one preferred school can potentially be offered. Where none of the parent's expressed preferences can be met, the Regulations¹⁴ require home LEAs to ensure, as far as reasonably practicable, that an offer can nonetheless be made;
- (vii) provide for the LEA to notify the admission authority or (for schools in other areas) the child's home LEA of this single offer;
- (viii) ensure that all offers of a school place in the child's home LEA are transmitted to the parent by that home LEA (not the school);
- (ix) ensure, as far as reasonably practicable, that all offers of secondary school places are made on 1 March for September admission(s).

A scheme should also set out:

- (x) procedures for dealing with applications received after the closing date, but before the date for offer of places; after the offer of places, but before the start of the school year; during the school year; and outside the normal year of entry;
- (xi) how the decision on the single offer of a place will be made, where applicants could potentially receive multiple offers because they have high enough priority under the admission arrangements of more than one preferred school, or where none of the parent's preferences can be met;
- (xii) how applications for schools outside the area are to be dealt with.

A.39 Regulations¹⁵ place additional duties on LEAs to ensure that they share and transmit between them the information necessary to produce the required outcome of a single offer, where a parent's expressed preferences include schools outside their home LEA'S area. However, until full inter-LEA co-ordination is in place, it is possible that some parents who have applied for schools within their own LEA and elsewhere may receive an offer from each LEA. In these cases, the home LEA must: notify and forward application details to the LEA which maintains the school¹⁶ in question; determine whether any school in its area should be the single offer, taking account of whether another offer for an out of area school could potentially be made; notify the other LEA concerned if a school in that authority's area is to be the single offer; and communicate the single offer to the parent(s) on 1 March, as

¹⁴ The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002

¹⁵ The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002

¹⁶ It is also good practice to include Academies or CTCs.

it would an offer of a place at one of its own schools, though making clear that it does so on another admission authority's behalf. Where a LEA which maintains a school receives from the home LEA an application for a school in its area, it must: forward the application details to the admission authority, if it is not itself the admission authority; if it is the admission authority, assess the application against the over-subscription criteria and rank it in its list for that school; pass back to the home LEA any offer(s) or, as the case may be, refusals from schools in its area; and, if the potential offer from its area becomes the single offer to be made, request the home LEA to make the offer on behalf of itself or (as the case may be) the relevant admission authority.

A.40 School admission authorities receiving applications must: notify their maintaining LEA of any application made to them direct, regardless of the parent's LEA of residence; determine by reference to the school's admission and over-subscription criteria the order of priority in which each application (received from the parent's home LEA on its common form or direct) should be ranked; and send their ranked list back to their maintaining LEA. Any resulting offer of a place must be made by the home LEA on that governing body's behalf, not by the governing body direct.

Statutory requirements of a primary scheme

A.41 These are as for secondary except for the following modifications to points in A.38:

- (i) common application form need only cover schools maintained by home LEA and there is no set minimum number of preferences;
- (ii) not obligatory for preferences to be ranked;
- (iii) applicable, except that if the common application form does not cover preferred schools in other LEAs' areas - leaving parents to apply to those LEAs direct - there will be no need to forward information to them;
- (iv)-(viii) applicable, except to the extent that they refer to applications for schools in other LEA areas.
- (ix) all offers of primary places for September admissions are to be made on a date specified in the agreed scheme. There may be more than a single offer per child if (schools in) more than one LEA are able to make an offer;
- (x) applicable;
- (xi) applicable as regards deciding on a single offer from among the potential offers from admission authorities within each LEA;
- (xii) applicable in the limited sense that the scheme should make clear how parents apply for schools beyond the home LEA'S boundaries.