



Baroness Barran

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Lord Adonis
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27 June 2022

Dear Andrew,

I promised to write in response to your question on Day 2 of Lords Committee on the Schools Bill about the impact of the Schools Bill on academy admission arrangements (Hansard, column 1379, 13 June 2022). You asked whether clause 3(1) would give the government the power to override any existing admissions arrangements set out in academy funding agreements by ministerial direction (Hansard, column 1379, 13 June 2022).

The Academy Standards delegated power in clause 1 of the Schools Bill would enable the Secretary of State to impose general requirements on academy trusts, in relation to the procedures and criteria for admissions. It would not, however, enable him to impose specific requirements in respect of individual schools (in respect of admissions or otherwise).

In the Schools White Paper, we committed to retain the academy trust as the admission authority for their schools, allowing trust and school leaders to take decisions on admissions oversubscription criteria that are right for their school context. We know that this is particularly important for the leaders of faith schools.

For all school admission authorities (local authorities for community and voluntary controlled schools, trusts for academies and governing boards for voluntary aided and foundation schools), the decisions that they take about their admission arrangements are constrained by the legal admissions framework – the School Standards and Framework Act 1998, the School Admissions Code and the associated regulations (“admissions law”). This framework is important to ensure that admission arrangements are fair and transparent. The Schools White Paper also committed to working with trusts, local authorities and parents to develop options for reform of this framework, including the setting of oversubscription criteria, ahead of public consultation.

Whilst the very first academies were outside this framework, for many years academy trust funding agreements have required trusts to comply with the School Admissions Code and admissions law, as if they were a maintained school. Given concerns in Parliament about whether academies would need to comply with admissions law, this is something that was clarified in the House

during the passage of the Academies Act 2010. The only exceptions to this are a small number of cases where there is a limited and specific derogation from an aspect of the law, set out in the funding agreement. For example, some of the early free schools had a derogation to allow admissions priority to be given to founders' children. Leaving such arrangements to one side, the effect of the existing framework is that, at present, when the School Admissions Code is changed following consultation and the required parliamentary process (as occurred last year), academy trusts are already required to comply with those changes.

I hope this letter provides you with reassurance on these matters. I am placing a copy of this letter in the library of the House.

I will place a copy of this letter in the House Library.

Yours sincerely,

A handwritten signature in cursive script that reads "Diana Barran".

BARONESS BARRAN

PARLIAMENTARY UNDER-SECRETARY OF STATE