

TITLE	Proposed Changes to the School Admissions Code
FOR CONSIDERATION BY	School Admissions Forum on 2 December 2014
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SUMMARY

The purpose of this report is to update the schools forum with information on the recent consultation by the Department for Education of proposed changes to the School Admissions Code and the council's response to that consultation.

RECOMMENDATIONS

Members of the Forum to note the information provided.

SUPPORTING INFORMATION

The consultation ran from 22 July to 29 September 2014 and the revised Code will be laid before Parliament in October 2014 and if adopted will be implemented with effect from 19 December 2014.

Included with this report is:

1. The draft Code (prior to any amendment following the outcome of the consultation)
2. The changes outlined in the Code
3. The council's response to the consultation
4. The DFE's response to the consultation
5. Draft regulations

List of Background Papers

Listed above and previous Codes and regulations

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Department
for Education

School Admissions Code

**Statutory guidance for admission
authorities, governing bodies, local
authorities, schools adjudicators and
admission appeals panels**

Revised draft

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The Statutory Basis for the School Admissions Code

1. The School Admissions Code ('the Code') has been issued under Section 84 of the School Standards and Framework Act 1998 ('SSFA 1998')¹. The Code has been made following a consultation under Section 85(2) of the SSFA 1998 and after being laid before Parliament for forty days.
2. This Code comes into force on **[19 December 2014]** and, unless otherwise stated, applies with immediate effect. It will apply to admission arrangements determined in 2015 for admission in school year 2016/17. The Code applies to admissions to all maintained schools in England. It should be read alongside the School Admission Appeals Code and other guidance and law that affect admissions and admission appeals in England.
3. This Code imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions by the bodies listed below:
 - a) **Admission authorities of maintained schools** as defined in Section 88(1) (a) and (b) of the SSFA 1998²
 - b) **Governing bodies and local authorities (when not admission authorities)**
 - c) **Schools Adjudicators**
 - d) **Admission Appeal Panels.**

These bodies have a statutory duty to act in accordance with the relevant provisions of the Code.

Application of the Code to Academies

4. Academies, by which we mean Academy Schools³, (including those that are Free Schools), University Technical Colleges and Studio Schools, are state-funded, non fee-paying independent schools set up under a Funding Agreement between the Secretary of State and the proprietor of an Academy (most commonly, and hereafter, referred to as an Academy Trust). Academies are required by their funding agreements to comply with the Code and the law relating to admissions, although the Secretary of State has the power to vary this requirement where there is demonstrable need.

¹ Where statutory provisions have been amended, any references to them are references to them as amended.

² For community and voluntary controlled schools the admission authority is usually the local authority, but it may be the governing body if the local authority with the governing body's agreement has delegated responsibility to it for determining admission arrangements. Governing bodies are the admission authorities for foundation schools (including Trust schools) and voluntary aided schools.

³ Academies are defined in Section 1A of the Academies Act 2010.

Compliance with the Code

5. It is the responsibility of admission authorities to ensure that admission arrangements⁴ are compliant with this Code. Where a school is the admission authority, this responsibility falls to the governing body or Academy Trust.

6. Section 88P of the SSFA 1998 requires local authorities to make reports to the adjudicator about such matters connected with relevant school admissions as required by the Code. Minimum requirements for that report are set out at paragraph 3.23 of this Code and include an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, how admission arrangements affect the interests of looked after children and previously looked after children, and the number and percentage of lodged and upheld parental appeals. The report must be published locally. The Schools Adjudicator will report annually to the Secretary of State on Fair Access.

7. Objections to the admission arrangements of both maintained schools and Academies can be made to the Schools Adjudicator whose decisions are binding and enforceable⁵.

8. The Secretary of State may refer the admission arrangements of any school to the Schools Adjudicator at any time if the Secretary of State considers that they do not or may not comply with the mandatory requirements of this Code or the law.

9. The Schools Adjudicator may investigate the admission arrangements of any school that the Adjudicator considers do not or may not comply with the mandatory requirements of this Code or the law.

10. Any decision of the Adjudicator will be binding on the admission authority. It will be for the admission authority to implement those decisions without undue delay. Where schools fail to implement decisions of the Adjudicator the Secretary of State may direct the admission authority (either the governing body, the local authority, or Academy Trust) to do so under Section 496 or 497 of the Education Act 1996 or the Funding Agreement.

⁴ Admission arrangements means the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered.

⁵ Section 88H of the SSFA 1998.

11. The table below sets out the admission authority for each type of school in England.

Type of School	Who is the admission authority?	Who deals with complaints about arrangements?	Who is responsible for arranging/providing for an appeal against refusal of a place at a school?
Academies	Academy Trust	Schools Adjudicator	Academy Trust
Community Schools	Local Authority	Schools Adjudicator	Local Authority
Foundation Schools	Governing body	Schools Adjudicator	Governing body
Voluntary aided schools	Governing body	Schools Adjudicator	Governing body
Voluntary controlled schools	Local Authority	Schools Adjudicator	Local Authority

Introduction

Purpose of this Code

12. The purpose of the Code is to ensure that all school places for maintained schools (excluding maintained special schools⁶) and Academies are allocated and offered in an open and fair way. The Code has the force of law, and where the words ‘**must**’ or ‘**must not**’ are used, these represent a mandatory requirement.

13. Admission authorities and local authorities **must** also comply with the regulations and legislation set out in the Appendix to this Code.

Overall principles behind setting arrangements

14. In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

How admissions work

15. In summary, the process operates as follows:

- a) All schools **must** have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by admission authorities.
- b) Admission authorities **must** set (‘determine’) admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on those arrangements⁷. If no changes are made to admission arrangements, they **must** be consulted on at least every 7 years. For admission arrangements for entry in September 2016, consultation **must** be for a minimum of 8 weeks and **must** be completed by **1 March 2015**. For all subsequent years, consultation **must** be for a minimum of 6 weeks and **must** take place between **1 October** and **31 January** of the school year before those arrangements are to apply. For example: for arrangements which are to apply to applications in 2016 (entry in September 2017), consultation **must** be completed by 31 January 2016. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.
- c) Once all arrangements have been determined, arrangements can be

⁶ A maintained special school is a school maintained by the local authority, specially designed to make special educational provision for pupils with special educational needs.

⁷ Except where the change is an increase to a school’s published admission number (see paragraph 1.3) or is made to comply with any mandatory requirements of the Code or The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (hereafter the “School Admissions Regulations 2012”).

objected to and referred to the Schools Adjudicator. Objections to admission arrangements for entry in September 2016 **must** be referred to the Adjudicator by **30 June 2015**. For all subsequent years, objections **must** be referred to the Adjudicator by **15 May** in the determination year. Any decision of the Adjudicator **must** be acted on by the admission authority and admission arrangements amended accordingly. The local authority will collate and publish all the admission arrangements in the area in a single composite prospectus.

- d) In the normal admissions round⁸ parents apply to the local authority in which they live for places at their preferred schools. Parents are able to express a preference for at least three schools. The application can include schools outside the local authority where the child lives: a parent can apply for a place for their child at any state-funded school in any area. If a school is undersubscribed, any parent that applies **must** be offered a place. When oversubscribed, a school's admission authority **must** rank applications in order against its published oversubscription criteria and send that list back to the local authority. Published admission arrangements **must** make clear to parents that a separate application **must** be made for any transfer from nursery to primary school, and from infant to junior school.
- e) All preferences are collated and parents then receive an offer from the local authority at the highest preference school at which a place is available. For secondary schools, the offer is made on or about **1 March** (known as National Offer Day) in the year in which the child will be admitted. For primary schools, the offer is made on or about **16 April**, in the year in which the child will be admitted.
- f) Parents, and in some circumstances children, have the right to appeal against an admission authority's decision to refuse admission. The admission authority **must** set out the reasons for the decision, that there is a right of appeal and the process for hearing such appeals. The admission authority **must** establish an independent appeals panel to hear the appeal. The panel will decide whether to uphold or dismiss the appeal. Where a panel upholds the appeal the school is required to admit the child.

⁸ (i.e. application in October (secondary school) for following year and January (primary school) for same year admission).

Section 1: Determining Admission Arrangements

1.1 Admission authorities are responsible for admissions and **must** act in accordance with this Code, the School Admission Appeals Code, other laws relating to admissions⁹, and relevant human rights and equalities legislation.

Published Admission Number (PAN)

1.2 As part of determining their admission arrangements¹⁰, all admission authorities **must** set an admission number for each 'relevant age group'¹¹.

1.3 Own admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN¹². For a community or voluntary controlled school, the local authority (as admission authority) **must** consult at least the governing body of the school where it proposes either to increase or keep the same PAN. All admission authorities **must** consult in accordance with paragraph 1.42 below where they propose a decrease to the PAN. Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection.

1.4 Admission authorities **must** notify their local authority of their intention to increase the school's PAN and reference to the change should be made on the school's website¹³. If, at any time following determination of the PAN, an admission authority decides that it is able to admit above its PAN, it **must** notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively. Admission authorities may also admit above their PAN in-year.

1.5 Any admissions above the PAN as set out in paragraph 1.4 above will not constitute an increase to the PAN¹⁴. Information on variations to the PAN in-year is set out in paragraph 3.6 of this Code.

Oversubscription criteria

1.6 The admission authority for the school **must** set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied. All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan¹⁵ names the school

⁹ The main provisions relating to admissions are in Chapter 1 of Part 3 of the SSFA 1998.

¹⁰ See Sections 88C and 88D of the SSFA 1998.

¹¹ This is the age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12 where the school admits external applicants to the sixth form (Section 142 of the SSFA 1998).

¹² Regulation 14 of School Admissions Regulations 2012.

¹³ Where a school does not have a website it will have to take suitable alternative action. This applies to all further requirements in this Code to publish information on websites.

¹⁴ Where an enlargement of school premises is proposed the governing body of a maintained school is required to observe the relevant regulations, currently the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (SI 2013/3110). For Academies, such changes are agreed with the Secretary of State through the Funding Agreement.

¹⁵ A Statement of Special Educational Need is a statement made by the local authority under Section 324 of the Education Act 1996 specifying the special educational provision required for

must be admitted. If the school is not oversubscribed, all applicants **must** be offered a place (with the exception of designated grammar schools - see paragraph 2.8 of this Code).

1.7 All schools **must** have oversubscription criteria for each 'relevant age group' and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children¹⁶ and all previously looked after children. Previously looked after children are children who were looked after, but ceased to be so because they were adopted¹⁷ (or became subject to a child arrangements order¹⁸ or special guardianship order¹⁹). Further references to previously looked after children in this Code means such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after. Oversubscription criteria **must** then be applied to all other applicants in the order set out in the arrangements.

1.8 Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

1.9 It is for admission authorities to formulate their admission arrangements, but they **must not**:

- a) place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements;
- b) take into account any previous schools attended, unless it is a named feeder school. The exception to this is where priority is given to children attending a nursery in accordance with para (1.39B);
- c) give extra priority to children whose parents rank preferred schools in a particular order, including 'first preference first' arrangements;
- d) introduce any new selection by ability²⁰;

that child. An Education, Health and Care plan is a plan made by the local authority under Section 37 of the Children and Families Act 2014 specifying the special education provision required for that child.

¹⁶ A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

¹⁷ This includes children who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see section 46 adoption orders).

¹⁸ Under the provisions of s.14 of the Children and Families Act 2014, which amend section 8 of the Children Act 1989, residence orders have now been replaced by child arrangements orders.

¹⁹ See Section 14A of the Children Act 1989 which defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

²⁰ There is a general restriction on selection by ability. Only designated grammar schools or

- e) give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority. The exception to this is where parents pay optional nursery fees to the school or school-owned subsidiary which runs the nursery, for additional hours on top of their 15-hour funded early education, where children from the nursery are given priority for admission to Reception;
- f) give priority to children according to the occupational, marital, financial or educational status of parents applying. The exceptions to this are children of staff at the school and those eligible for the early years pupil premium, the pupil premium and the service premium who may be prioritised in the arrangements;
- g) take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement, or that of any other children in the family;
- h) discriminate against or disadvantage disabled children, those with special educational needs, or those applying for admission outside their normal age group where an admission authority has agreed to this under paragraphs 2.17 to 2.17B;
- i) prioritise children on the basis of their own or their parents' past or current hobbies or activities (schools which have been designated as having a religious character²¹ may take account of religious activities within their admission arrangements in accordance with paragraphs 1.37 and 1.38);
- j) in designated grammar schools that rank all children according to a pre-determined pass mark and then allocate places to those who score highest, give priority to siblings of current or former pupils;
- k) in the case of schools with boarding places, rank children on the basis of a child's suitability for boarding – more information on boarding schools is set out at paragraphs 1.40 - 1.41 below;
- l) name fee-paying independent schools as feeder schools;
- m) interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place. Boarding schools may interview children to assess their suitability for boarding;
- n) request financial contributions (either in the form of voluntary contributions, donations or deposits (even if refundable)) as any part of the admissions process – including for tests; or
- o) request photographs of a child for any part of the admissions process, other than as proof of identity when sitting a selection test.

schools with partially selective arrangements which already had such arrangements in place during the 1997/98 school year are permitted to continue to use selection by ability. Grammar schools are designated as such by order made by the Secretary of State under Section 104 of the SSFA 1998.

²¹ Designated by order under Section 69(3) of the SSFA 1998.

1.10 This Code does not give a definitive list of acceptable oversubscription criteria. It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances. The most common are set out below.

Siblings at the school

1.11 Admission authorities **must** state clearly in their arrangements what they mean by 'sibling' (e.g. whether this includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who are former pupils of the school). If an admission authority wishes to give some priority to siblings of former pupils, it **must** set out a clear and simple definition of such former pupils and how their siblings will be treated in the oversubscription criteria (bearing in mind the restrictions set out in paragraph 1.9 above).

1.12 Some schools give priority to siblings of pupils attending another state funded school with which they have close links (for example, schools on the same site, or close links between two single sex schools). Where this is the case, this priority **must** be set out clearly in the arrangements.

Distance from the school

1.13 Admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the 'home' address will be determined and the point in the school from which all distances are measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.

Catchment Areas

1.14 Catchment areas **must** be designed so that they are reasonable and clearly defined²². Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.

Feeder Schools

1.15 Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.

Social and medical need

1.16 If admission authorities decide to use social and medical need as an oversubscription criterion, they **must** set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided.

Selection by ability or aptitude

²² R v Greenwich London Borough Council, ex parte John Ball Primary School (1989) 88 LGR 589 [1990] Fam Law 469 held that pupils should not be discriminated against in relation to admission to the school simply because they reside outside the local authority area in which the school is situated. Section 86(8) of the SSFA 1998 places an equal duty on local authorities to comply with parental preference in respect of parents living within and outside their boundary.

1.17 All selective schools **must** publish the entry requirements for a selective place and the process for such selection.

Grammar schools

1.18 Only designated Grammar schools²³ are permitted to select their entire intake on the basis of high academic ability²⁴. They do not have to fill all of their places if applicants have not reached the required standard.

1.19 Where arrangements for pupils are wholly based on selection by reference to ability and provide for only those pupils who score highest in any selection test to be admitted, no priority needs to be given to looked after children or previously looked after children.

1.20 Where admission arrangements are not based solely on highest scores in a selection test, the admission authority **must** give priority in its oversubscription criteria to all looked after children and previously looked after children who meet the pre-set standards of the ability test.

Pre-existing, partially selective schools

1.21 Partially selective schools select a proportion of their intake by ability. Where schools can partially select, they **must** publish the entry requirements for a selective place, and the process for such selection. They **must** offer places to other children if there are insufficient applicants who have satisfied the published entry requirements for a selective place.

1.22 Partially selective schools **must not** exceed the lowest proportion of selection that has been used since the 1997/98 school year²⁵.

1.23 In relation to the proportion of pupils admitted on a selective basis, where arrangements provide for only those pupils who score highest in any selection test to be admitted, no priority needs to be given to looked after children or previously looked after children. Where such arrangements are not based on highest scores in a selection test, the admission authority **must** give priority in its oversubscription criteria to all looked after children and previously looked after children who meet the pre-set standards of the test. For the allocation of the remainder of places after selection, looked after children and previously looked after children **must** again be given first priority for admission.

Selection by aptitude

1.24 Schools that have arrangements to select by aptitude **must not** allow for more than 10 per cent of the total admissions intake to be allocated on the basis of such aptitude (even if the school has more than one specialism). The only specialist subjects on which a school may select by aptitude are:

- a) physical education or sport, or one or more sports;
- b) the performing arts, or any one or more of those arts;

²³ As designated by the Education (Grammar School Designation) Order 1998 (SI 1998/2219). Where a designated grammar school converts to become an Academy, the Academy is permitted to continue selecting their entire intake: Section 6(3) of the Academies Act 2010.

²⁴ Section 104 of the SSFA 1998.

²⁵ Section 100 of the SSFA 1998.

- c) the visual arts, or any one or more of those arts;
- d) modern foreign languages, or any such language; and
- e) design and technology and information technology. Only schools which selected on either of these specialist subjects in the school year 2007/08 and every subsequent year may continue to do so.

Banding

1.25 Pupil ability banding is a permitted form of selection²⁶ used by some admission authorities to ensure that the intake for a school includes a proportionate spread of children of different abilities. Banding can be used to produce an intake that is representative of:

- a) the full range of ability of applicants for the school(s);
- b) the range of ability of children in the local area; or
- c) the national ability range.

1.26 Admission authorities' entry requirements for banding **must** be fair, clear and objective. Banding arrangements which favour high ability children that have been continuously used since the 1997/98 school year may continue, but **must not** be introduced by any other school.

1.27 The admission authority **must** publish the admission requirements and the process for such banding and decisions, including details of any tests that will be used to band children according to ability.

1.28 Where the school is oversubscribed:

- a) looked after children and previously looked after children **must** be given top priority in each band, and then any oversubscription criteria applied within each band, and
- b) priority **must not** be given within bands according to the applicant's performance in the test.

1.29 Schools that operate admission arrangements which include both banding and selection of up to 10% of pupils with reference to aptitude shall set out clearly in their admission arrangements how those two methods of selection will be applied.

1.30 Children with statements of special educational needs may be included in banding tests and allocated places in the appropriate bands but, regardless of any banding arrangements, they **must** be allocated a place if their statement names the school.

Tests for selection

1.31 Tests for all forms of selection **must** be clear, objective, and give an accurate reflection of the child's ability or aptitude, irrespective of sex, race, or disability. It is for the admission authority to decide the content of the test,

²⁶ Section 101 of the SSFA 1998.

providing that the test is a true test of aptitude or ability.

1.32 Admission authorities **must**:

- a) ensure that tests for aptitude in a particular subject are designed to test only for aptitude in the subject concerned, and not for ability;
- b) ensure that tests are accessible to children with special educational needs and disabilities, having regard to the reasonable adjustments for disabled pupils required under equalities legislation, and
- c) take all reasonable steps to inform parents of the outcome of selection tests before the closing date for secondary applications on **31 October** so as to allow parents time to make an informed choice of school - while making clear that this does not equate to a guarantee of a selective place.

1.33 Admission authorities **must not** adjust the score achieved by any child in a test to take account of oversubscription criteria, such as having a sibling at the school.

Random allocation

1.34 Local authorities **must not** use random allocation as the principal oversubscription criterion for allocating places at all the schools in the area for which they are the admission authority. Admission authorities that decide to use random allocation when schools are oversubscribed **must** set out clearly how this will operate, ensuring that arrangements are transparent, and that looked after children and previously looked after children are prioritised.

1.35 The random allocation process **must** be supervised by someone independent of the school, and a fresh round of random allocation **must** be used each time a child is to be offered a place from a waiting list.

Faith based oversubscription criteria in schools with a religious character

1.36 As with other maintained schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria²⁷ and allocate places by reference to faith where the school is oversubscribed.

1.37 Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied. Admission authorities for faith schools may give priority to all looked after children and previously looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children of the faith. Where any element of priority is given in relation to children not of the faith they **must** give priority to looked after children and previously looked after children not of the faith above other children not of the faith²⁸.

²⁷ Funding Agreements for entirely new Academies (i.e. not convertors from the maintained sector, or those sponsored Academies with a predecessor school) and Free Schools with a religious character provide that where the school is oversubscribed at least 50% of places are to be allocated without reference to faith.

²⁸ Regulation 9 of the School Admissions Regulations 2012

1.38 Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code. They **must** also consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated. Church of England schools **must**, as required by the Diocesan Boards of Education Measure 1991²⁹, consult with their diocese about proposed admission arrangements before any public consultation.

Children of staff at the school

1.39 Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:

- a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or
- b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.

Children eligible for pupil premium or service premium

1.39A Admissions authorities may give priority in their oversubscription criteria to children eligible for the pupil premium³⁰ and also children eligible for the service premium³¹. Admissions authorities should clearly define in the arrangements the categories of eligible premium recipients to be prioritised.

1.39B Admission authorities may give priority in their oversubscription criteria to children eligible for the early years pupil premium³², the pupil premium or the service premium who:

- a) are in a nursery class in the school; or
- b) attend a nursery that is established and run by the school, including through a school-owned subsidiary.

Maintained boarding schools

1.40 Maintained boarding schools can set separate admission numbers for day places and boarding places³³. A maintained boarding school can interview applicants to assess suitability for boarding, but such interviews **must** only consider whether a child presents a serious health and safety

²⁹ 1991 No 2.

³⁰ The pupil premium is additional funding paid annually to schools under section 14 of the Education Act 2002 for the purposes of supporting the attainment of disadvantaged children.

³¹ The service premium is additional funding paid annually to schools under section 14 of the Education Act 2002 for the purposes of supporting the pastoral needs of the children of Armed Services personnel

³² The early years pupil premium is additional funding paid to support disadvantaged children receiving government-funded early education, per section 7 of the Childcare Act 2006. It will be introduced in April 2015.

³³ Boarding places are places for pupils who are provided with overnight board and lodging at the school. Day places are places for pupils who attend school on a daily basis, including pupils who participate in optional school activities outside school hours (for example breakfast club, after-school clubs, music lessons, tea and supervised homework sessions).

hazard to other boarders or whether they would be able to cope with and benefit from a boarding environment. To help with this assessment, they may also use a supplementary information form, and information provided by the previous school and by the child's home local authority (on safeguarding issues). These processes, and the timeline for them, **must** be clearly set out in the school's admission arrangements.

1.41 Boarding schools **must** give priority in their oversubscription criteria in the following order:

- a) looked after children and previously looked after children;
- b) children of members of the UK Armed Forces who qualify for Ministry of Defence financial assistance with the cost of boarding school fees;
- c) children with a 'boarding need', making it clear what they mean by this.

Consultation³⁴

1.42 When changes³⁵ are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities **must** consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period³⁶.

1.43 For admission arrangements determined in 2015 for entry in September 2016, consultation **must** be for a minimum of 8 weeks and **must** be completed by **1 March 2015**. For all subsequent years, consultation **must** last for a minimum of 6 weeks and **must** take place between **1 October** and **31 January** in the determination year.

1.44 Admission authorities **must** consult with:

- a) parents of children between the ages of two and eighteen;
- b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
- c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
- d) whichever of the governing body and the local authority who are not the admission authority;
- e) any adjoining neighbouring local authorities where the admission authority is the local authority; and

³⁴ See also paragraph 1.3. Regulations 12 to 17 of the School Admissions Regulations 2012 cover consultation requirements.

³⁵ An increase to PAN, or a change to the admission arrangements to comply with the mandatory provisions of the Code or the School Admissions Regulations 2012, is not a change requiring consultation.

³⁶ A consultation on a proposal to increase or keep the same PAN by a local authority as admission authority with the governing body of a voluntary controlled or community school is not a consultation for the purposes of calculating a seven year period without consultation.

- f) in the case of faith schools, the body or person representing the religion or religious denomination.

1.45 For the duration of the consultation period, the admission authority **must** publish a copy of their full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought³⁷. Admission authorities **must** also send upon request a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively may be grounds for subsequent complaints and appeals.

Determination

1.46 All admission authorities **must** determine (i.e. formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required. Admission authorities **must** determine admission arrangements for entry in September 2016 by **15 April 2015** and for all subsequent years, by **28 February** in the determination year³⁸.

1.47 Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies³⁹ and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made). Admission authorities **must** send a copy of their full, determined arrangements to the local authority. Admission authorities **must** send a copy of their determined admission arrangements for entry in September 2016 as soon as possible before **1 May 2015**, and for all subsequent years, as soon as possible before **15 March** in the determination year. Admission authorities for faith schools **must** also send a copy of their arrangements to the body or person representing their religion or religious denomination.

1.48 Where an admission authority has determined a PAN that is higher than in previous years, they **must** notify the local authority that they have done so, and make specific reference to the change on their website.

1.49 Local authorities **must** publish on their website the proposed admission arrangements for any new school or Academy which is intended to open within the determination year, details of where the determined arrangements for all schools, including Academies, can be viewed, and information on how to refer objections to the Schools Adjudicator. Local authorities **must** publish these details in 2015 by **1 May 2015** and in all subsequent years by **15 March** in the determination year⁴⁰.

1.50 Following determination of arrangements, any objections to those arrangements **must** be made to the Schools Adjudicator. Objections to admission arrangements for entry in September 2016 **must** be referred to the Adjudicator by **30 June 2015**. For all subsequent years, objections **must** be

³⁷ Regulation 16 of the School Admissions Regulations 2012.

³⁸ Regulation 17 of the School Admissions Regulations 2012.

³⁹ In addition to the bodies listed at paragraph 1.44 (c), (d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area.

⁴⁰ Regulation 18 of the School Admissions Regulations 2012.

referred to the Adjudicator by **15 May** in the determination year⁴¹. Admission authorities that are not the local authority **must** provide all the information that the local authority needs to compile the composite prospectus no later than **8 August**, unless agreed otherwise⁴².

Composite prospectuses

1.51 Local authorities **must** publish online - with hard copies available for those who do not have access to the internet - a composite prospectus for parents by **12 September**⁴³ in the offer year, which contains the admissions arrangements and any supplementary information forms for each of the state-funded schools in the local authority area to which parents can apply (i.e. all schools including Academies). They **must** ensure that this information is kept up to date throughout the period in which it is possible for parents to apply for a place for their child, and that it is written in a way that makes it clear and accessible to all parents.

⁴¹ Regulation 23 of the School Admissions Regulations 2012. See also 3.2-3.5 of this Code regarding objections to the Schools Adjudicator.

⁴² Regulation 7 of the School Information (England) Regulations 2008 SI 2008/3093.

⁴³ See regulations 5, 6 and Schedule 2 of the School Information (England) Regulations 2008.

Section 2: Applications and Offers

Applying for places

2.1 For applications in the normal admissions round, local authorities **must** provide a common application form (CAF) that enables parents to express their preference for a place at any state funded school, with a minimum of 3 preferences in rank order, allowing them to give reasons for their preferences. While parents may express a preference for any state funded school – regardless of whether it is in the local authority area in which they live - admission authorities **must not** give any guarantees that a preference will be met.

2.2 The CAF **must** allow parents to provide their name, their address (including documentary evidence in support), and the name, address and date of birth of the child. The child **must not** be required to complete any part of the CAF. Local authorities **must** provide advice and assistance to parents when they are deciding which schools to apply for⁴⁴.

2.3 Regardless of which schools parents express preferences for, the CAF is required to be returned to the local authority in the area that they live (the 'home' authority). The home authority **must** then pass information on applications to other local ('maintaining') authorities about applications to schools in their area. The maintaining authority **must** determine the application and inform the home local authority if a place is available. The offer to parents **must** be made by the home local authority.

2.4 In some cases, admission authorities will need to ask for supplementary information forms in order to process applications. If they do so, they **must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability. They **must not** ask, or use supplementary forms that ask, for any of the information prohibited by paragraph 1.9 above or for:

- a) any personal details about parents and families, such as maiden names, criminal convictions, marital, or financial status (including marriage certificates);
- b) the first language of parents or the child;
- c) details about parents' or a child's disabilities, special educational needs or medical conditions;
- d) parents to agree to support the ethos of the school in a practical way;
- e) both parents to sign the form, or for the child to complete the form.

2.5 Admission authorities may need to ask for proof of address where it is unclear whether a child meets the published oversubscription criteria. In these cases they **must not** ask for any evidence that would include any of the information detailed above. Once a place has been offered, admission authorities may ask for proof of birth date, but **must not** ask for a 'long' birth certificate or other documents which would include information about the

⁴⁴ In accordance with Section 86(1A) of the SSFA 1998.

child's parents. In the case of previously looked after children, admission authorities may request a copy of the adoption order, child arrangements order or special guardianship order and a letter from the local authority that last looked after the child confirming that he or she was looked after immediately prior to that order being made.

Applying for places at Sixth Form

2.6 Children and their parents applying for sixth form places may use the CAF, although if they are already on the roll they are not required to do so in order to transfer into year 12. Admission authorities can, however, set academic entry criteria for their sixth forms, which **must** be the same for both external and internal places. School sixth form admission arrangements for external applicants must be consulted upon, determined and published in accordance with the same timetable as for admission arrangements for other entry points. As with other points of entry to schools, highest priority in oversubscription criteria for sixth form places **must** be given to looked after children and previously looked after children who meet the academic entry criteria. As stated in paragraph 1.9 m) above, any meetings held to discuss options and courses **must** not form part of the decision process on whether to offer a place.

Allocating places

2.7 Admission authorities **must** allocate places on the basis of their determined admission arrangements only, and a decision to offer or refuse admission **must not** be made by one individual in an admission authority. Where the school is its own admission authority the whole governing body, or an admissions committee established by the governing body, **must** make such decisions.

2.8 With the exception of designated grammar schools, all maintained schools, including faith schools, that have enough places available **must** offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria.

2.9 Admission authorities **must not** refuse to admit a child solely because:

- a) they have applied later than other applicants;
- b) they are not of the faith of the school in the case of a faith school;
- c) they followed a different curriculum at their previous school;
- d) information has not been received from their previous school; or
- e) they have missed entrance tests for selective places.

2.10 In the normal admissions round, offers of primary and secondary places **must** be sent by the home local authority and schools **must not** contact parents about the outcome of their applications until after these offers have been received. Admission authorities **must not** provide any guarantees to applicants of the outcome of their application prior to the formal notification of any offers of a place in a suitable school by the home local authority.

2.11 Where a place is available for a child at more than one school, the home local authority **must** ensure, so far as is reasonably practicable, that the child is offered a place at whichever of these schools is their highest preference. If the local authority is unable to offer a place at one of the parents' preferred schools it **must**, if there are places available, offer a place

at another school.

Withdrawing an offer or a place

2.12 An admission authority **must not** withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. Where the parent has not responded to the offer, the admission authority **must** give the parent a further opportunity to respond and explain that the offer may be withdrawn if they do not. Where an offer is withdrawn on the basis of misleading information, the application **must** be considered afresh, and a right of appeal offered if an offer is refused.

2.13 A school **must not** withdraw a place once a child has started at the school, except where that place was fraudulently obtained. In deciding whether to withdraw the place, the length of time that the child has been at the school **must** be taken into account. For example, it might be considered appropriate to withdraw the place if the child has been at the school for less than one term.

Waiting lists

2.14 Each admission authority **must** maintain a clear, fair and objective waiting list for at least the first term of the school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received or their name was added to the list. Looked after children, previously looked after children, and those allocated a place at the school in accordance with a Fair Access Protocol, **must** take precedence over those on a waiting list.

Infant class size

2.15 Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher⁴⁵. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;

⁴⁵ 'Teacher' is defined in Section 4 of the SSFA 1998.

- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs who are normally taught in a special educational needs unit⁴⁶ attached to the school, or registered at a special school, who attend some infant classes within the mainstream school⁴⁷.

Admission of children below compulsory school age⁴⁸ and deferred entry to school

2.16 Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that:

- a) children are entitled to a full-time place in the September following their fourth birthday;
- b) parents can defer the date their child is admitted to school until later in the school year but not beyond the point at which they reach compulsory school age or, for children born between 1 April and 31 August, not beyond the beginning of the final term of the school year for which the offer was made; and
- c) where parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.

Admission of children outside their normal age group

2.17 Parents of gifted and talented children, or those who have experienced problems or missed part of a year, for example due to ill health, can seek places outside their normal age group. Where the parents of a summer born child⁴⁹ choose not to send that child to school until the September following their fifth birthday, they may request that they are admitted out of their normal age group – to reception rather than year 1.

2.17A Admission authorities **must** make decisions on the basis of the circumstances of each case. This will include taking account of the parent's views, information about the child's academic, social and emotional development, and whether they have previously been educated out of their normal age group. They **must** also take into account the views of the head teacher of the school concerned.

2.17B When informing a parent of their decision on the year group their child

⁴⁶ A special educational needs unit forms part of a maintained school and is specially organised to provide education for pupils with special educational needs.

⁴⁷ The School Admissions (Infant Class Sizes) (England) Regulations 2012.

⁴⁸ Compulsory school age is set out in section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998. A child reaches compulsory school age on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August.

⁴⁹ The term summer born children relates to all children born from 1 April to 31 August. These children reach compulsory school age on 31 August following their fifth birthday (or on their fifth birthday if it falls on 31 August). It is likely that most requests for summer born children to be admitted out of their normal age group will come from parents of children born in the later summer months or those born prematurely.

should be admitted to, the admission authority **must** set out clearly the reasons for their decision. Where an admission authority agrees to a parent's request for their child to be admitted out of their normal age group and, as a consequence of that decision, the child will be admitted to a relevant age group (i.e. the age group to which pupils are normally admitted to the school) the admission authority **must** process the application as part of the main admissions round, unless the parental request is made too late for this to be possible, and on the basis of their determined admission arrangements only, including the application of oversubscription criteria where applicable. They **must not** give the application lower priority on the basis that the child is not of the correct age. Parents' statutory right to appeal against the refusal of a place at a school for which they have applied does not apply if they are offered a place at the school but it is not in their preferred age group.

Children of UK service personnel (UK Armed Forces)

2.18 For families of service personnel with a confirmed posting to their area, or crown servants returning from overseas to live in that area, admission authorities **must**:

- a) allocate a place in advance of the family arriving in the area provided the application is accompanied by an official letter that declares a relocation date and a Unit postal address or quartering area address when considering the application against their oversubscription criteria. This **must** include accepting a Unit postal address or quartering area address for a service child. Admission authorities **must not** refuse a service child a place because the family does not currently live in the area, or reserve blocks of places for these children;
- b) ensure that arrangements in their area support the Government's commitment to removing disadvantage for service children. Arrangements **must** be appropriate for the area and be described in the local authority's composite prospectus.

Children from overseas

2.19 Admission authorities **must** treat applications for children coming from overseas in accordance with European Union law or Home Office rules for non-European Economic Area nationals. Non-statutory guidance on this is available on the website of the Department for Education.

Co-ordination

2.20 Each year all local authorities **must** formulate and publish on their website a scheme by **1 January** in the relevant determination year to co-ordinate admission arrangements for all publicly funded schools within their area⁵⁰. Where the scheme is substantially different from the scheme adopted for the previous academic year or the local authority has not consulted on a scheme in the previous seven years, the authority **must** consult the other admission authorities in the area and any other local authorities it determines. Following any such consultation, which **must** be undertaken with a view to ensuring the admission of pupils in different local authorities is, as far as reasonably practicable, compatible with each other, the local authority **must**

⁵⁰ Regulations 26 to 32 and Schedule 2 of the School Admissions Regulations 2012 cover the requirements for such schemes.

determine the qualifying scheme and **must** take all reasonable steps to secure its adoption. A local authority **must** inform the Secretary of State whether they have secured the adoption of a qualifying scheme by **15 April 2015** for admission arrangements for entry in 2016 and thereafter, by **28 February** in the determination year. The Secretary of State may impose a scheme where a scheme has not been adopted. All admission authorities⁵¹ **must** participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme. Local authorities **must** make application forms available to parents who wish to apply to a school in a neighbouring area which operates a different age of transfer (e.g. middle schools), and process these as it would in its normal admissions round.

2.21 There is no requirement for local authorities to co-ordinate in-year applications but they **must** provide information in the composite prospectus on how in-year applications can be made and will be dealt with. Local authorities **must**, on request, provide information to a parent about the places still available in all schools within its area, and a suitable form for parents to complete when applying for a place for their child at any school for which they are not the admission authority. Any parent can apply for a place for their child at any time to any school outside the normal admissions round. Parents can apply directly to own admission authority schools.

2.22 Own admission authority schools **must**, on receipt of an in-year application, notify the local authority of both the application and its outcome, to allow the local authority to keep up to date figures on the availability of places in the area. The admission authority **must** also inform parents of their right to appeal against the refusal of a place.

Offering a place

2.23 Where schools are oversubscribed, admission authorities **must** rank applications in accordance with their determined arrangements. The qualifying scheme **must** ensure that:

- a) only one offer per child is made by the local authority;
- b) for secondary school applications, all offers **must** be made on the same secondary National Offer Day i.e. **1 March or the next working day**, and
- c) for primary school applications, all offers **must** be made on the same primary National Offer Day i.e. **16 April or the next working day**.

Right to appeal

2.24 When an admission authority informs a parent of a decision to refuse their child a place at a school for which they have applied, it **must** include the reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal. Parents **must** be informed that, if they wish to appeal, they **must** set out their

⁵¹ Academies are required under their Funding Agreements to participate in and comply with requirements in relation to local authority co-ordination of admission arrangements. For the first year of opening only, Funding Agreements for Free Schools, University Technical Colleges (UTCs) and Studio Schools will provide that they may choose whether they wish to participate in the local qualifying scheme.

grounds for appeal in writing. Admission authorities **must not** limit the grounds on which appeals can be made.

School closure

2.25 Where a maintained school or Academy is to be closed, the local authority **must** collaborate with all schools in their area to consider the best way to secure provision for children in other local schools.

Section 3: Ensuring Fairness and Resolving Issues

The Schools Adjudicator

3.1 The Schools Adjudicator **must** consider whether admission arrangements referred to the Adjudicator comply with the Code and the law relating to admissions. The admission authority **must**, where necessary, revise their admission arrangements to give effect to the Adjudicator's decision within two months of the decision (or by **28 February** following the decision, whichever is sooner). An Adjudicator's determination is binding and enforceable.

3.2 Local authorities **must** refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are unlawful. If requested by the Schools Adjudicator, admission authorities **must** provide the information set out in Schedule 1 to the School Admissions Regulations⁵².

3.3 Any person or body who considers that any maintained school or Academy's arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator⁵³. The following types of objections cannot be brought⁵⁴:

- a) objections that seek to remove selective arrangements at a maintained school (which are permitted under Section 105 to 109 of the SSFA 1988) or a selective Academy;
- b) objections about own authority admission's decision to increase or keep the same PAN;
- c) objections about a decision by the admission authority of a voluntary controlled or community school to increase or keep the same PAN, unless the objection is brought by the governing body of the school;
- d) objections in respect of an agreed variation from the Code in relation to admission arrangements for an Academy;
- e) objections to arrangements which raise the same or substantially the same matters as the adjudicator has decided on for that school in the last 2 years⁵⁵; and
- f) anonymous objections⁵⁶.

3.4 The Adjudicator may also consider arrangements that come to the Adjudicator's attention by other means which the Adjudicator considers may not comply with mandatory requirements.

3.5 Objections to admission arrangements for entry in September 2016

⁵² Regulation 25 of the School Admissions Regulations 2012.

⁵³ Section 88H of the SSFA 1998.

⁵⁴ Regulation 21 of the School Admissions Regulations 2012.

⁵⁵ Regulation 22 of the School Admissions Regulations 2012.

⁵⁶ Regulation 24 of the School Admissions Regulations 2012. The person or body referring the objection must provide their name and address to the adjudicator.

must be referred to the Adjudicator by **30 June 2015**. For all subsequent years, objections **must** be referred to the Adjudicator by **15 May** in the determination year⁵⁷. Further information on how to make an objection can be obtained from the Office of the Schools Adjudicator.

Variations

3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements⁵⁸. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances⁵⁹. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified⁶⁰. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before making any reference. A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator⁶¹.

3.7 Admission authorities **must** notify the appropriate bodies⁶² of all variations and **must** display a copy of the full varied admission arrangements on their website until they are replaced by different admission arrangements. Local authorities **must** display the varied admission arrangements on their website where an admission authority has raised its PAN.

Children with challenging behaviour and those who have been excluded twice

3.8 Admission authorities **must not** refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion⁶³. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so)⁶⁴, and children with special educational needs statements.

3.9 Each local authority **must** have a Fair Access Protocol, agreed with

⁵⁷ Regulation 23 of the School Admissions Regulations 2012. The Schools Adjudicator has discretion to consider late referrals if it was not reasonably practicable for such a referral to have been received in time.

⁵⁸ Regulation 19 of the School Admissions Regulations 2012.

⁵⁹ Section 88E of the SSFA 1998. Academies do not have to refer proposed variations to their admission arrangements to the Schools Adjudicator, but instead seek agreement with the Secretary of State.

⁶⁰ In addition to the bodies listed at paragraph 1.44 (c), (d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area.

⁶¹ Regulation 20 of the School Admissions Regulations 2012.

⁶² See footnote 57.

⁶³ Section 87 of the SSFA 1998.

⁶⁴ Following changes made to the exclusions review framework (Section 51A of the Education Act 2002 will be inserted by Section 4 of the Education Act 2011), in addition to these exceptions, the twice excluded rule will also not apply where, following a permanent exclusion, a review panel has quashed a decision of a governing body not to reinstate a pupil.

the majority of schools in its area to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority **must** ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol **must** include how the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.

3.10 The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

3.11 All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

3.12 Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol⁶⁵. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and **must** be described in the local authority's Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs naming the school in question, as these children **must** be admitted.

3.13 Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

3.14 A Fair Access Protocol **must not** require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

3.15 The list of children to be included in a Fair Access Protocol is to be agreed with the majority of schools in the area but **must**, as a minimum, include the following children of compulsory school age who have difficulty securing a school place:

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for two months or more;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive family backgrounds for whom a place has not been sought;

⁶⁵ Where in the case of an Academy it cannot agree with the local authority over admitting a child, only the Secretary of State can direct the Academy to admit the child.

- f) children who are carers; and
- g) children with special educational needs, disabilities or medical conditions (but without a statement).

Local authority powers of direction (general)

3.16 A local authority has the power⁶⁶ to direct the admission authority for any maintained school in its area to admit a child even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

3.17 Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

3.18 If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

Local authority powers of direction (looked after children)

3.19 A local authority also has the power⁶⁷ to direct the admission authority for any maintained school in England to admit a child who is looked after by the local authority, even when the school is full. The local authority **must not** choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size⁶⁸.

3.20 Before deciding to give a direction, the local authority **must** consult the admission authority of the school it proposes to direct. The admission authority **must** tell the local authority within 7 days whether it is willing to admit the child. If, following consultation, the local authority decides to direct, it **must** inform the admission authority, the governing body (if the school is a voluntary controlled or community school), the local authority that maintains the school, and the head teacher. The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days. If the child has

⁶⁶ Sections 96 and 97 of the SSFA 1998.

⁶⁷ Sections 97A-C of the SSFA 1998.

⁶⁸ Looked after children are excepted pupils outside of the normal admissions round under the School Admissions (Infant Class Sizes) (England) Regulations 2012.

been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the governing body (if the school is a voluntary controlled or community school) may also refer the case to the Adjudicator. The admission authority or governing body **must not** refer the case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or governing body does refer the case, it **must** notify the local authority that looks after the child. The local authority **must not** make a direction until the 7 days have passed and the case has not been referred.

3.21 If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school in England **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct an alternative school to admit a child unless the local authority that looks after the child agrees, nor if the child is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources.

Secretary of State's power of direction (Academies)

3.22 Where a local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision⁶⁹.

Local authority reports

3.23 Local authorities **must** produce an annual report on admissions for all the schools in their area for which they co-ordinate admissions, to be published locally and sent to the Adjudicator by **30 June** following the admissions round. The report **must** cover as a minimum:

- a) information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen;
- b) an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, including how many children were admitted to each school under them;
- c) the number and percentage of lodged and upheld parental appeals; and
- d) any other issues the local authority may wish to include.

⁶⁹ Section 25(3A) of the SSFA 1998.

Appendix – Relevant Legislation

1. This appendix sets out the primary legislation and regulations most relevant to admissions decisions. Admission authorities, Schools Adjudicators, appeal panels, local authorities and maintained schools **must** comply with the relevant law as well as acting in accordance with the provisions of this Code. This Code and the School Admission Appeals Code (the Codes) are applied to Academies through their Funding Agreements. The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law: that is for the courts.

Equality Act 2010

2. This Act consolidates the law prohibiting discrimination, harassment and victimisation and expands the list of protected characteristics. All schools **must** have due regard to their obligations under the Act and review their policies and practices to make sure these meet the requirements of the Act, even if they believe that they are already operating in a non-discriminatory way.
3. An admission authority **must not** discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.
4. An admission authority **must not** harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.
5. An admission authority **must not** victimise a person in relation to a protected act either done, or believed to have been done by that person (e.g. bringing proceedings under the Equality Act 2010) in the arrangements and decisions it makes as to who is offered admission as a pupil.
6. This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character (faith schools) are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.
7. Admission authorities are also subject to the Public Sector Equality Duty and therefore **must** have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.
8. The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
9. Further guidance on the Public Sector Equality Duty is available on the website of the Government Equalities Office and from the Equality and

Human Rights Commission.

Human Rights Act 1998

10. The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

School Standards and Framework Act 1998

11. Chapter 1 of Part 3 of the School Standards and Framework Act 1998 contains the key provisions regarding schools admissions, including the statutory basis for this Code.
12. Section 86 of the SSFA 1998 provides that the admission authority for a maintained school (with the exception of those that select wholly by ability) **must** comply with any preference expressed by a parent except where to do so would prejudice the provision of efficient education or the efficient use of resources.
13. Section 94 of the SSFA 1998 provides that parents (and in some circumstances children) may appeal against a decision to refuse admission to the school. Two or more admission authorities in the same local authority area may make joint arrangements.
14. The Codes largely include the provisions relating to school admissions made in regulations. The most relevant regulations are:
 - a) The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012;
 - b) The School Admissions (Infant Class Sizes) (England) Regulations 2012;
 - c) The School Admissions (Appeals) (England) Regulations 2012; and
 - d) The School Information (England) Regulations 2008

Appendix – Sample Admission Arrangements

*These example arrangements are provided for illustrative purposes only – they are not “suggested” arrangements and should not be seen as such. Arrangements for individual schools **must** be set in the context of local circumstances.*

The school has an agreed admission number of 240 pupils for entry in year 7. The school will accordingly admit up to 240 pupils in the relevant age group each year if sufficient applications are received. All applicants will be admitted if 240 or fewer apply.

If the school is oversubscribed, after the admission of pupils with a Statement of Special Educational Needs where the school is named in the Statement, priority for admission will be given to those children who meet the criteria set out below, in order:

- (1) A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements, or special guardianship order⁷⁰. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).
- (2) Children with a sibling attending the school at the time of application. Sibling is defined in these arrangements as children who live as brother or sister in the same house, including natural brothers or sisters, adopted siblings, stepbrothers or sisters and foster brothers and sisters.
- (3) Other children by distance from the school, with priority for admission given to children who live nearest to the school as measured by using Ordnance Survey data to plot an address in this system. Distances are measured from the main entrance of the child's home to the main entrance of the school as specified in the school information pack.

Random allocation will be used as a tie-break in category '3' above to decide who has highest priority for admission if the distance between two children's homes and the school is the same. This process will be independently verified.

⁷⁰ An adoption order is an order under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see section 46 adoption orders) Children Act 2002. A 'child arrangements order' is an order settling the arrangements to be made as to the person with whom the child is to live under Section 8 of the Children Act 1989 as amended by s.14 of the Children and Families Act 2014. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

The Admissions Timeline

The timetable and procedures for admissions are set out in both this Code and the School Admissions Regulations 2012⁷¹. The admissions timeline applies to all state funded schools including Academies and Free Schools (through their funding agreement).

Local Authorities have a key role in providing information to parents on admission arrangements and schools in their area and in co-ordinating school admissions for parents for all state funded schools. Local authorities will also be notified and have oversight of the outcome of all in-year applications.

In the normal admissions round (i.e. October - end February), parents apply to the local authority in which they live for places at their preferred primary or secondary schools. For late applications outside the normal round of admissions (i.e. March - end August), parents apply to the local authority. For in-year applications (i.e. September onwards) there is no requirement for local authorities to co-ordinate applications but they **must**, on request, provide information to a parent about the places still available in all schools within its area, and a suitable form for parents to complete when applying for a place for their child at any school for which they are not the admission authority. Any parent can apply for a place for their child at any time to any school outside the normal admissions round. Parents can apply directly to own admission authority schools.

Example timetable

Determination Year (2015/16)⁷²

(The school year in which admission authorities determine their admission arrangements)

1 October 2015	Earliest date to start consultation on proposed arrangements. Consultation must last a minimum of 6 weeks.
1 January 2016	Deadline for the local authority to formulate a co-ordinated scheme for state funded schools in their area, including any new school or Academy which is expected to open.
31 January 2016	Deadline for the completion of the consultation on proposed admission arrangements.
28 February 2016	Deadline for admission arrangements to be determined even if they have not changed from the previous year and a consultation has not been required.
28 February 2016	After which the Secretary of State may impose a co-ordinated scheme if local agreement has not been

⁷¹ [These regulations will be amended to implement the timetable changes]

⁷² A different timetable applies for determination year 2014/15 and this is set out in paragraphs 1.43 to 1.51.

- secured by this date.
- 15 March 2016 Deadline for admission authorities to send a copy of their full determined admission arrangements to their local authority.
- 15 March 2016 Deadline for local authorities to publish on their website the proposed admission arrangements for any new school or Academy which is intended to open within the determination year, details of where the determined arrangements for all schools, including Academies, can be viewed, and information on how to refer objections to the Schools Adjudicator.
- 15 May 2016 Deadline for objections to the Schools Adjudicator.
Deadline for Local Authorities to report to the Schools Adjudicator on admission arrangements in their area.
- 8 August 2016 Deadline for governing bodies to provide admission arrangements information to the local authority to allow them to compile composite prospectus.

Offer Year (2016/17)

- 12 September 2016 Deadline for local authorities to publish composite prospectus.
- 31 October 2016 National closing date for secondary school applications.
- 15 January 2017 National closing date for primary school applications.
- 28 February 2017 Deadline for admission authorities to publish their appeals timetable on their website.
- 1 March 2017 National offer day for secondary school places.
- 16 April 2017 National offer day for primary school places.
- 30 June 2017 Deadline for Local Authorities to report to the Schools Adjudicator on admission arrangements in their area.

Appeals

The timescales within which admission authorities must ensure that appeals are heard are detailed in Section 2 of the School Admission Appeals Code. For example, for applications made in the normal admissions round, appeals must be heard within 40 days of the deadline for lodging appeals.

- September 2017** New intake starts at school.

Glossary

Academic Year

A period commencing with 1 August and ending with the next 31 July, as defined by Section 88M of the SSFA 1998.

Admission Authority

The body responsible for setting and applying a school's admission arrangements. For community or voluntary controlled schools, this body is the local authority unless it has agreed to delegate responsibility to the governing body. For foundation or voluntary aided schools, this body is the governing body of the school. For Academies, this body is the Academy Trust.

Admission Arrangements

The overall procedure, practices and oversubscription criteria used in deciding the allocation of school places including any device or means used to determine whether a school place is to be offered.

Admission Number (or Published Admission Number – (PAN))

The number of school places that the admission authority must offer in each relevant age group of a school for which it is the admission authority. Admission numbers are part of a school's admission arrangements.

Banding

A system of oversubscription criteria in which all children applying for a place at a banding school are placed into ability bands based on their performance in a test or other assessment. Places are then allocated so that the school's intake either reflects the ability profile of those children applying to the school, those children applying to a group of schools banding jointly, the local authority ability profile or the national ability profile.

Catchment Area

A geographical area, from which children may be afforded priority for admission to a particular school. A catchment area is part of a school's admission arrangements and must therefore be consulted upon, determined and published in the same way as other admission arrangements.

Common Application Form (CAF)

The form parents complete, listing their preferred choices of schools, and then submit to local authorities when applying for a school place for their child as part of the local co-ordination scheme, during the normal admissions round. Parents must be allowed to express a preference for a minimum of three schools on the relevant common application form as determined by their local authority. Local authorities may allow parents to express a higher number of preferences if they wish.

Composite prospectus

The prospectus that a local authority is required to publish by 12 September in the offer year. This prospectus must include detailed admission arrangements

of all maintained schools in the area (including admission numbers and catchment areas).

Conditionality

Oversubscription criterion that stipulates conditions which affect the priority given to an application, for example taking account of other preferences or giving priority to families who include in their other preferences a particular type of school (e.g. where other schools are of the same religious denomination). Conditionality is prohibited by this Code.

Co-ordination / Co-ordinated Scheme

The process by which local authorities co-ordinate the distribution of offers of places for schools in their area. All local authorities are required to co-ordinate the normal admissions round for primary and secondary schools in their area. Schools can take in-year applications directly from parents, provided they notify their local authority of each application and its outcome.

Determined Admission Arrangements

Admission arrangements that have been formally agreed by the admission authority, for example, agreed at a meeting of the admission authority and the decision recorded in the minutes of the meeting.

Determination Year

The school year immediately preceding the offer year. This is the school year in which admission authorities determine their admission arrangements.

First Preference First

Oversubscription criterion that giving priority to children according to the order of other schools named as a preference by their parents, or only considering applications stated as a first preference. The First Preference First oversubscription criterion is prohibited by this Code.

Governing Bodies

School governing bodies are bodies corporate responsible for conducting schools with a view to promoting high standards of educational achievement. Governing bodies have three key roles: setting strategic direction, ensuring accountability, and monitoring and evaluation.

Grammar Schools (designated)

These were the 164 schools that were designated under Section 104(5) of the SSFA 1998 as grammar schools. A 'grammar school' is defined by Section 104(2) of that Act as a school which selects all (or substantially all) of its pupils on the basis of general (i.e. academic) ability. At the time of publication, most grammar schools have converted to Academy status.

Home Local Authority

A child's home local authority is the local authority in whose area the child resides.

Infant Class Size Exceptions

The School Admissions (Infant Class Sizes) (England) Regulations 2012 permit children to be admitted as exceptions to the infant class size limit. These are set out in paragraph 2.15.

Infant Class Size Limit

Section 1 of the SSFA 1998 limits the size of an infant class (i.e. a class in which the majority of children will reach the age of five, six or seven during the school year) to 30 pupils per school teacher.

Local Government Ombudsman

An independent, impartial and free service that investigates complaints about maladministration of certain public bodies.

Looked After Children (see also Previously Looked After Children)

Children who are in the care of local authorities as defined by Section 22 of the Children Act 1989. In relation to school admissions legislation a 'looked after child' is a child in public care at the time of application to a school.

Maintaining Local Authority

The area in which a school is located is referred to as the maintaining local authority.

National Offer Day

The day each year on which local authorities are required to send the offer of a school place to all parents of secondary age pupils in their area. For secondary pupils, offers are sent out by the home local authority on 1 March. For primary pupils, this will be on a locally determined date in 2013, then on 16 April from 2014 onwards.

Normal Admissions Round

The period during which parents are invited to express a minimum of three preferences for a place at any state-funded school, in rank order on the common application form provided by their home local authority. This period usually follows publication of the local authority composite prospectus on 12 September, with the deadlines for parental applications of 31 October (for secondary places) and 15 January (for primary places), and subsequent offers made to parents on National Offer Day as defined above.

Offer Year

The school year immediately preceding the school year in which pupils are to be admitted to schools under the admission arrangements in question. This is the school year in which the offers of school places are communicated.

Oversubscription

Where a school has a higher number of applicants than the school's published admission number.

Oversubscription Criteria

This refers to the published criteria that an admission authority applies when a school has more applications than places available in order to decide which children will be allocated a place.

Previously Looked After Children

Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order).

Reception Class

Defined by Section 142 of the SSFA 1998 as a class in which education is provided which is suitable for children aged five and any children who are under or over five years old whom it is expedient to educate with pupils of that age.

Relevant Age Group

The age group to which children are normally admitted. Each relevant age group must have admission arrangements, including an admission number. Some schools (for example schools with sixth forms which admit children into the sixth form) may have more than one relevant age group.

Relevant Area

The area for a school (determined by its local authority and then reviewed every two years) within which the admission authority for that school must consult all other prescribed schools on its admission arrangements.

Schools Adjudicator

A statutory office-holder who is appointed by the Secretary of State for Education, but is independent. The Adjudicator decides on objections to published admission arrangements of all state-funded schools and variations of determined admission arrangements for maintained schools.

School Year

The period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July, as defined by Section 579 of the Education Act 1996.

Statement of Special Educational Need (SEN)

A Statement of Special Educational Need is a statement made by the local authority under Section 324 of the Education Act 1996, specifying the special educational provision required for that child

Twice Excluded Pupils

A child who has been permanently excluded from two or more schools.

Waiting Lists

A list of children held and maintained by the admission authority when the school has allocated all of its places, on which children are ranked in priority order against the school's published oversubscription criteria.

Index

The final version of the Code will include an index, which will be included once other changes are finalised.



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Reference: DFE-57509-2012



Department
for Education

Launch date 22 July 2014
Respond by 29 September 2014
Ref: Department for Education

Changes to the School Admissions Code

Changes to the School Admissions Code

This consultation seeks views on Department for Education proposals to revise the current School Admissions Code.

The aim is to improve the fair and open allocation of places in maintained schools and academies, and to support social mobility by allowing admission authorities to give priority for school places to disadvantaged children. The changes are primarily intended to provide greater freedom. We are also proposing to make minor changes to improve the clarity of existing provisions. This consultation seeks views on the proposed changes. Limited timescales prevent more substantial changes; we are not, therefore, seeking views on wider changes to other elements of the Code at this stage.

To: Local authorities; schools; governing bodies; academies/free schools; parents/carers; nurseries and other pre-school settings; early years practitioners; teachers; child minders; training providers and other interested parties.

Issued: 22 July 2014

Enquiries To If your enquiry is related to the policy content of the consultation, you can contact the Department on 0370 000 2288

email: AdmissionsCode.CONULTATION@education.gsi.gov.uk

Contact Details

If your enquiry is related to the department's e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by email: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the GOV.UK '[Contact Us](#)' page.

1 Summary

1.1 The department is considering revising the School Admissions Code 2012 (the Code) and the relevant accompanying regulations.¹

1.2 The overarching aim is to improve the fair and open allocation of places in maintained schools and academies, and to support social mobility by allowing admission authorities to give priority for school places to disadvantaged children. In practice, this means making two main changes which would allow:

- all state-funded schools to give priority in their admission arrangements to children eligible for pupil premium or service premium funding;
- admission authorities of primary schools to give priority in their admission arrangements to children eligible for the early years pupil premium, pupil premium or service premium who attend a nursery which is part of the school.

1.3 In addition, we also propose to make the following minor changes which would:

- revise the timetable for admission arrangements to:
 - bring forward dates for admission authorities to consult locally on their arrangements (and reduce the length of the consultation from 8 to 6 weeks); and
 - require admission authorities to amend their admission arrangements to comply with the Code within two months of a decision of the Schools Adjudicator, where the Adjudicator rules the arrangements are unlawful.
- clarify the provisions relating to the admission of summer born children to aid decision-making;
- make clear that the highest priority for admission applies to all children who have been adopted from local authority care.

¹ The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.

- 1.4** We also intend to make a number of minor technical drafting changes to certain provisions of the current Code, which will improve the clarity of the relevant provisions.
- 1.5** This consultation seeks views on the proposed changes. The changes are primarily intended to provide greater freedom and clarity to existing provisions; limited timescales prevent more substantial changes. We are not, therefore, seeking views on wider changes to other elements of the Code at this stage.
- 1.6** A draft version of the revised School Admissions Code, which includes the proposed changes set out in this document, is attached to this consultation.

2 Pupil and service premium pupils in state-funded schools

- 2.1** The pupil premium is additional funding provided to schools to support disadvantaged pupils from Reception to Year 11 in reaching their potential and help schools reduce educational inequalities. The funding is provided to schools and local authorities for each qualifying pupil on roll and schools are held to account for the achievement of their disadvantaged pupils through the performance tables and Ofsted.
- 2.2** The service premium is a separate grant paid to schools and local authorities to support children whose parents are currently or have previously served in the Armed Forces. Service children often suffer from the difficulties of moving schools more frequently than other children and they can suffer a degree of stress if their father or mother is on active service. The funding is therefore given to address their pastoral needs.
- 2.3** We propose to introduce changes to the Code allowing all schools to have the freedom to give admission priority to children attracting the pupil and service premiums (in the same way that academies and free schools currently do now through their funding agreement). These changes are consistent with the government's social mobility agenda and will allow schools the opportunity to support the least advantaged in society in a

practical way.

- 2.4** There would be no legal requirement for admissions authorities to include such a priority in their admissions arrangements, but they would have the freedom to do so if they wished. Any admissions authority wishing to implement such a priority would be required to consult parents and stakeholders as part of the normal admissions consultation and determination process.
- 2.5** Currently, maintained schools' admissions authorities are prevented from lawfully giving priority to children attracting pupil premium or the service premium. This is because paragraphs 1.9(f) and 2.4(a) of the current Code prohibit schools from requesting and considering information about a parent's financial or occupational status when deciding who to admit.
- 2.6** The specific changes we therefore propose making to the Code are to:
- introduce a new provision permitting admissions priority for children attracting the pupil and service premiums;
 - retain the prohibition at 1.9(f) but include children attracting the pupil and service premiums as an exception alongside the children of school staff.

3 Early years pupil premium, pupil premium and service premium pupils in nurseries

- 3.1** The proposed change will enable admission authorities of primary schools to give priority in their admission arrangements to disadvantaged children who are eligible for the early years pupil premium, the pupil premium or service premium and have attended a nursery that is part of the school. The change will allow for continuity of education for those most in need of such stability. It will also ensure that there are still sufficient places available in the reception class for children of local parents who choose not to send their child to the nursery. In addition it is hoped that the proposed changes encourage more schools to set up nurseries and expand latent capacity to provide more high-quality early education.

- 3.2** As part of this change, we would remove barriers to schools offering wrap-around childcare by ensuring any optional childcare charges paid by parents would not prevent them from being prioritised, where children from the nursery are given priority for admission to Reception. Currently, paragraph 1.9(e) of the Code prohibits admission authorities prioritising children on the basis of any financial support parents may give to the school or associated organisations.
- 3.3** The specific changes we therefore propose making to the Code are to:
- include the changes to allow early years pupil premium, pupil premium and service premium children to be prioritised (at section 2 above);
 - introduce a new provision permitting admissions priority for children eligible for the early years pupil premium, the pupil premium or service premium who attend a nursery which is part of the school;
 - retain the prohibition at 1.9(e), but exempt from this prohibition optional childcare charges paid to the school's nursery by parents, where children from the nursery are given priority for admission to Reception.

4 Admissions timetable

- 4.1** We propose making changes to the admissions timetable that will benefit parents by ensuring that a greater proportion are able to apply for school places offered on the basis of lawful admission arrangements.
- 4.2** The changes will address concerns that some admission authorities are taking too long to revise their admission arrangements to comply with decisions by the Schools Adjudicator.² We also propose giving more time to school adjudicators to consider objections to arrangements and

² School adjudicators are independent officials appointed by the Secretary of State to decide on objections to published admission arrangements of all state funded schools. Any person or body who considers that a maintained school or academy's arrangements are unlawful, or not in compliance with the School Admissions Code, can make an objection to the schools adjudicator.

for these to be resolved before parents apply for places and before arrangements have to be consulted on and determined for the next school year.

4.3 The changes we propose to make are:

- creating a rolling deadline for admission authorities to comply with a determination of the Schools Adjudicator within two months of the adjudicator's decision or by the deadline for determinations, if the period until then is less than two months. The current requirement is that admission authorities should comply with a decision from the Schools Adjudicator to revise their admission arrangements as quickly as possible but no later than the deadline for determination of the next year's arrangements;
- bringing forward the annual date by which objections about a school's admission arrangements must be made to the Schools Adjudicator from 30 June to 15 May. This will give adjudicators more time to decide on objections and also mean that less of the work need be done during the school holidays, which is inconvenient for schools and tends to slow the process.

4.4 In order to bring forward the deadline for objections to the adjudicator we also need to bring forward the deadlines for consulting on, determining and publishing arrangements. We therefore propose to:

- change the timing of and minimum length of consultations. Admission authorities must consult when admission arrangements are changed or if they have not been consulted on within the last 7 years. At present, consultations must last a minimum of 8 weeks and take place between 1 November and 1 March in the determination year. The proposal is that the minimum consultation period should be reduced to 6 weeks and should take place between 1 October and 31 January;
- bring forward the deadline for schools to determine their admission arrangements from 15 April to 28 February;
- bring forward the deadline for local authorities to notify the Secretary of State whether they have secured the adoption of a

qualifying scheme for co-ordination from 15 April to 28 February;

- bring forward the deadline for admission authorities to send a copy of their determined admission arrangements to their local authority from 1 May to 15 March;
- bring forward the deadline for local authorities to publish on their website the proposed admission arrangements for any new schools opening in their area, details of where admission arrangements for all schools can be viewed and information on how to refer objections to the Schools Adjudicator from 1 May to 15 March.

4.5 A table setting out the current and proposed admissions timetable can be found at Annex A. Transitional arrangements will apply; these are set out in the timetable and in the relevant paragraphs the draft version of the Code, which is appended to this consultation.

4.6 Some of these proposed changes will require amendment of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012. Updated regulations to reflect these changes will be brought into force alongside the revised Code.

5 Summer born children

5.1 Schools are required to provide for the admission of all children in the September following their fourth birthday, but children do not reach compulsory school age until after their fifth birthday. Children born in the summer term, therefore, are not required to start school until a full year after the point at which they could first have been admitted – the point at which other children in their age range are beginning year 1.

5.2 A parent who chooses not to send their summer born child to school until they have reached compulsory school age may request that they are admitted outside their normal age group – to reception rather than year 1. Paragraph 2.17 of the current Code requires that, where a parent requests that their child is admitted outside their normal age group, the admission authority must make a decision on the basis of the circumstances of the case.

5.3 We believe that the vast majority of parents of summer born children are happy for their child to start school in the September following their fourth birthday, or at some point during that school year. The number of parents who would like their summer born child to be admitted out of their normal age group appears to be very small. However, correspondence received from parents and MPs and feedback from local authorities suggests the decision is problematic in a high proportion of these cases.

5.4 The department published non-statutory advice on the admission of summer born children in July last year. Whilst feedback from parents and local authorities suggests the advice has resulted in some positive impact, the number of cases referred to the department by parents has not reduced. We therefore propose making a number of small changes to the Code to clarify its application to parental requests for summer born children to be admitted out of their normal age group and to aid decision making for local authorities. The changes would:

- clarify that the duty in paragraph 2.17 applies to parental requests for summer born children to be admitted to reception rather than year 1 at age five;
- clarify that the circumstances which the admission authority should take into account when making their decision include: the parent's wishes; information about the child's academic, social and emotional development; and whether they have previously been educated outside their normal age group. In the case of children born prematurely, it will include taking account of whether they would naturally have fallen into the lower age group if born at the expected time;
- require the admission authority to take account of the views of the headteacher of the school concerned. This would ensure that, in the case of community and voluntary controlled schools – for whom the local authority is the admission authority – the decision made will take account of the views of an education professional who will be involved in educating the child. We know that many local authorities already do this;
- require the admission authority to set out clearly for parents the reasons for their decision to ensure transparency in the decision making process;

- require the admission authority to deal with the application as part of the normal admissions round, where an admission authority agrees a parent's request for their child to be admitted out of their normal age group, and where the age group they are admitted to would be the one in which pupils are normally admitted to the school.

6 Admission of previously looked after children

- 6.1** We also intend to amend the Code to make clear that the provision giving highest priority for admission to looked after and previously looked after children applies to all children who have been adopted from local authority care. This change will bring the Code in line with current legislation and departmental policy which is set out in departmental guidance and was announced by Edward Timpson MP, Parliamentary Under-secretary of State for Children and Families, on 13 May. As such, we are not seeking views on this amendment.

7 Minor technical drafting changes

- 7.1** This revision of the Code will also include a number of minor technical drafting changes to certain provisions of the current Code. These revisions will not introduce any new policy changes, but are intended only to provide additional clarity to the relevant provisions.
- 7.2** **A full list of these changes is available at Annex B.**

8 How To Respond

8.1 Consultation responses can be completed online: www.education.gov.uk/consultations.

by emailing: AdmissionsCode.CONULTATION@education.gsi.gov.uk

or send by post to:

Ministerial and Public Communication Division
Level 2
Department for Education
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

9 Additional Copies

9.1 Additional copies are available electronically and can be downloaded from the GOV.UK website.

10 Plans for making results public

10.1 The results of the consultation and the Department's response will be published on the GOV.UK website by the end of 2014.

Annex A: Current and Proposed Admissions Timetable

Activity	Current Timetable	Revised Timetable
<u>Determination Year</u>		
Earliest date to start consultation on proposed arrangements	1 November	1 October [from 2015]
Deadline for completion of consultation on arrangements	1 March	31 January [from 2016]
[Minimum length of consultation	8 weeks	6 weeks] [from 2016]
Deadline for admission arrangements to be determined	15 April	28 February [from 2016]
Deadline for notification of a qualifying scheme for co-ordination	15 April	28 February [from 2016]
Deadline for admission authorities to send determined arrangements to LA	1 May	15 March [from 2016]
Deadline for LA to publish on its website details of all new schools to open that year & details of where all other school arrangements can be viewed	1 May	15 March [from 2016]
Deadline for objections to the Schools Adjudicator	30 June	15 May [from 2016]
Deadline for admission authorities to comply with a decision of the Schools Adjudicator	As quickly as possible but no later than the 15 April (the deadline for determination)	Within two months, or by 28 February (the deadline for determination), where the period before then is less than two months. [effective immediately]

<u>Offer Year</u>		
Deadline for LA to publish composite prospectus	12 Sep	12 Sep
National closing date for secondary applications	31 Oct	31 Oct
National closing date for primary applications	15 Jan	15 Jan
Deadline for admission authority to publish appeals timetable on their website	28 Feb	28 Feb
National offer day for secondary school places	1 Mar	1 Mar
National offer day for primary school place	16 Apr	16 Apr
<u>Intake Year</u>		
New intake starts at school	Sep	Sep

Items in bold show dates where changes are proposed

Annex B: Minor technical drafting changes

We propose to make other minor, technical changes to the School Admissions Code. These are to improve clarity, rather than introduce policy changes. The areas we intend to cover are:

- make it explicit that all parents are entitled to a full-time place in the September following their child's fourth birthday;
- revise the definition of 'previously looked after children' (essentially adopted from care) to make it clear that it applies to all previously looked after children of compulsory school age, not just those from December 2005;
- clarify that only own admission authority schools can receive in-year applications direct from parents, i.e. an in-year application for a local authority school has to go the local authority – this will help to clear up the process;
- clarify what is meant by 'boarding' and 'day' places in state-funded boarding schools;
- add a definition of "determined" to the glossary in the Code (this is when admission arrangements are formally agreed by an admission authority);
- make it clear that schools can only select by aptitude in those subjects listed in the Code;
- update references to special educational needs (SEN) statements to include Education, Health and Care plans which will replace SEN statements from September 2014;
- strengthen the references to school sixth form arrangements to make it clearer that they must comply with the Code;
- clarify the interaction of paragraphs 1.9(i) and 1.38 in relation to religious activities;
- the addition of an index in the Code.

Annex C: School Admissions Code – Schedule of Changes

The below list summarises the proposed changes to the School Admissions Code and references the paragraphs in the draft version of the revised Code where relevant drafting amendments have been made.

Paragraph numbers in the draft revised Code correspond to the current 2012 version of the Code. Completely new paragraphs in the draft revised Code are indicated by a capital letter following the number of the existing paragraph (eg 1.39A).

Proposed changes and amended paragraphs in draft revised Code³

1. Pupil / Service Premium priority
1.9(f); 1.39A.
2. Nursery priority
1.9(b),(e),(f); 1.39B.
3. Admissions timetable changes
Introduction: 15(b),(c).
1.42; 1.43; 1.46; 1.47; 1.49; 1.50; 2.20; 2.21; 3.1; 3.5.
Admissions timeline annex.
4. Admission of summer born children
1.9(h); 2.17; 2.17A; 2.17B.
5. Admission of all previously looked after children
1.7; 2.5; 2.15(h) [fn49].
Appendix – Admission Arrangements.
Glossary
6. Minor technical drafting changes
Statutory Basis: 2; fn3.
Introduction: 15(b),(e)[fn].
1.2 [fn12]; 1.5 [fn15]; 1.6; 1.9(i); 1.24; 1.36 [fn30]; 1.38; 1.40 [fn35];

³ Paragraph numbers should be taken to include any footnotes to that paragraph, where applicable.

1.42; 1.47; 2.6; 2.14; 2.16; 2.23(c); 3.6.

Admissions Timeline annex.

Glossary.

Index.



Department
for Education

Consultation Response Form

Consultation closing date: 29 September 2014

Your comments must reach us by that date

Changes to the School Admissions Code

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
Reason for confidentiality:	

Name: Sue Riddick	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of Organisation (if applicable): Wokingham Borough Council	
Address: Civic Offices, Shute End, Wokingham RG40 1BN	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by email: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the department's ['Contact Us'](#) page.

Please mark one box that best describes you as a respondent, and/or the type of organisation in which you have an interest.

<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Maintained school	<input type="checkbox"/> Representative of childcare or early years intermediary organisation
<input type="checkbox"/> Academy/free school	<input type="checkbox"/> Teacher	<input type="checkbox"/> SEN provider
<input type="checkbox"/> Nursery or other pre-school provider	<input checked="" type="checkbox"/> Local authority	<input type="checkbox"/> Early years professional
<input type="checkbox"/> Other		

Please Specify:

- 1 Please use the box provided to comment on the proposal to allow all state-funded schools to give priority in their admission arrangements to children eligible for pupil premium or service premium funding (see section 2 of the summary document).

Comments:

The reference to 1.39A and 1.39B will be confusing especially to parents, appeals panels and the increasing number of own admission authority schools, as there is already a 1.39(a) and 1.39(b). The two are also on entirely separate topics: children of staff and “children eligible for pupil premium or service premium.

1.39A – it would be helpful to identify the categories of eligible premium recipients to be prioritised or signpost to the definitive list from which to choose from.

- 2 Please use the box provided to comment on the proposal to allow admission authorities of primary schools to give priority in their admission arrangements to children eligible for the early years pupil premium, pupil premium or service premium who attend a nursery which is part of the school (see section 3). This includes removing barriers to schools offering optional wrap-around childcare by ensuring any charges paid by parents for such childcare would **not** prevent their children from being prioritised.

Comments:

1.39B(b) what is meant by a school-owned subsidiary? We have a school that has entered into a partnership arrangement with a private pre-school provider. It is a foundation stage unit with F1 and F2 children combined (the F2 children are on the roll of the school) but they are all in the same room, wearing the same uniform and receiving EYFS from the staff of the pre-school and the school. Would this qualify? If not, would it not be simpler to say children who are on the school roll in Foundation 1?

If continuing with 1.39B(b), please provide clear information about what is meant by a school-owned subsidiary as I can foresee problems if consideration is given to introducing this as a criterion.

1.39B – it would be helpful to identify the categories of eligible early years pupil premium to be prioritised.

1.39B – what is meant by the term “nursery class”? Does this literally mean just a nursery or does it also apply to schools that take Foundation 1 children into a foundation stage unit or may have a pre-school rather than a nursery?

- 3 Please use the box provided to comment on the proposal to create a rolling deadline for admission authorities to comply with a determination of the schools adjudicator (see section 4).

Comments:

Timing changes – the timescales for consultation and determination are on the whole clear and whilst appreciating the reasons for bringing forward the dates by which consultation, determination, publication and objections can be raised, this will be challenging especially to small local or unitary authorities whose admissions officers will also be working on the normal admission rounds. In particular, the deadline for determination is very close to the secondary national offer day, publication of determined arrangements is at the same time as the deadline for accepting secondary places and the corresponding handling of late applications; changes of preference, dealing with increased telephone enquiries and continuing preparation for primary national offer day on 16 April.

The national deadline for applications should be made to be the next working day if it falls at a weekend or bank holiday – the same as for national offer day. The secondary deadline – 31 October 2016 is a Saturday. If the online system fails on that day there will be no one to respond to that failure, handle telephone enquiries and there will be no post.

1.47 – it would be more precise to say “Admission authorities **must** send a copy of their full, determined arrangements to the local authority as soon as possible before 15 March in the determination year (1 May 2015 for entry in September 2016). It would also be helpful to clarify (especially for own admission authority schools) what constitutes full determined arrangements.

1.49 – conversations between new school sponsors and the DFE are usually ongoing during the period to which the local authority is not party; it is therefore difficult to extract the definitive proposed arrangements. It would be helpful if the DFE could advise new school sponsors when to submit such documentation to the local authority and alert the local authority that this is available.

1.50 – please bring forward the date for school information for the composite prospectus. It is extremely unhelpful to set a date in the school holidays when schools cannot be contacted and where the secondary guide must be completed and in the print run prior to that date to enable the packs to be sent to schools in the first week of term.

- 4 Please use the box provided to comment on the proposal to bring forward the deadlines for objections, determinations and publication of admission

arrangements; and to change the timing and length of consultations (see section 4).

Comments:

See above

- 5 Please use the box provided to comment on the proposals relating to the admission of summer born children (see section 5).

Comments:

2.17, 2.17A, 2.17B - it is good to include this in the Code, however in order for an admissions authority to consider; I would suggest that the parent must be asked to make an application for the normal age group in order that we know what preferences may be expressed by the parent and to enable the admission authority for those preferences to give due consideration in line with their policy of admission of children outside normal age group, or consensus reached if it is a local authority school. This could result in be 3+ admission authorities giving consideration to the same request.

An alternative is to give such requests consideration after allocation which lessens the resource implications and stress to the parent when asked for further information to satisfy demands by various admissions authorities. This will ensure that the child has a school place should the request be denied and that consideration is given and notified in the summer term before the child starts school.

I am still unclear about 2.17B relating to statutory right of appeal. If the parent was allocated to the preferred school for the normal age group and the decision made that the child may work out of year and the place withdrawn in accordance with parental wishes; an application would then made for the following year. If a place could not be allocated due to children qualifying higher under the oversubscription criteria – would that parent still have right of appeal? The normal age place was offered and subsequently withdrawn following agreement to the parent's request to work out of year;

so should that school be potentially penalised for taking that decision?

6 Please use the box provided if you have any comments on the proposed minor technical drafting changes (see section 7 and Annex B).

Comments:

Appendix – sample admission arrangements – needs to include children with Education, Health and Care Plans for completeness.

2.21 does not address the “minor technical change” expressed in Annex B which states that “an in-year application for a local authority school has to go the local authority”, that in effect co-ordination must be in place for community and voluntary controlled schools.

3.31 – clear and positive change

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.	
Email address for acknowledgement:	

Here at DfE we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

All DfE public consultations are required to meet the Cabinet Office Principles on Consultation

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: aileen.shaw@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed responses should be sent to the address shown below by 29 September 2014

Send by post to:

Ministerial and Public Communications Division
3 Floor Area B
Department for Education
Mowden Hall
Darlington
DL3 9BG

Send by email to: AdmissionsCode.CONULTATION@education.gsi.gov.uk



Department
for Education

Changes to the School Admissions Code

Government consultation response

October 2014

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Introduction

The purpose of the School Admissions Code (the Code) is to ensure that school places for all maintained schools¹ and academies are allocated and offered in an open and fair way. Admission authorities for maintained schools and academies must comply with the provisions of the Code.

The government has proposed specific, limited revisions to the current School Admissions Code, which came into force in February 2012. These changes are designed to improve the fair and open allocation of places and support fair access for the most disadvantaged children, and to provide additional clarity to certain provisions of the Code.

On 22 July 2014, we launched a 10-week public consultation on the proposed changes. The consultation closed on 29 September. We received 444 written responses to the consultation, and held discussions with interested groups. We also discussed the proposed changes with our admissions stakeholder group, which includes representatives from key sector bodies (including local authorities, school representative organisations, and faith representatives). The summary of responses to the consultation and what we intend to do is set out below. A list of organisations which responded to the consultation can be found at Annex A.

The proposals were broadly welcomed as providing improvements and clarity to the current system of school admissions. We therefore intend to proceed with the proposed revisions to the current School Admissions Code, as set out in the consultation document, with some minor technical clarifications in the drafting of the Code in light of responses to the consultation. Other concerns raised in the consultation will be addressed through clarifying existing advice on admissions issues and, where necessary, providing additional advice for admission authorities.

We will review and evaluate the impact of the proposals once they have come into effect and ahead of any future revision of the Code.

¹ Excluding maintained special schools.

Summary of responses received and the government's response

Responses to the consultation were broadly in favour of the proposed changes to the School Admissions Code, whilst raising a small number of concerns and seeking additional clarification on certain elements of the proposals. In particular:

- many respondents welcomed the principle of supporting the most disadvantaged children, whilst emphasising that other local children should not be disproportionately affected. Some respondents also raised administrative queries about how these proposals might operate in practice;
- there was strong support for the changes to the admissions timetable, including the deadline for compliance with the adjudicator, which were seen as bringing clarity to the process and reducing delays;
- respondents gave a range of views on the changes around the admission of summer born children, with some urging caution that we should not go further than the changes proposed in the consultation, whilst others supported more substantive changes;
- there was strong support for the minor technical drafting changes, which were seen as bringing helpful clarity to existing provisions.

Priority for children eligible for the pupil or service premium

This change will allow all schools to have the freedom to give admission priority for all children attracting the pupil premium, the early years pupil premium and the service premium. Academies and free schools currently have the option to adopt such a priority, through the terms of their funding agreement. This change is part of the government's policy to support fair access, and will provide all schools who wish to use it with a practical means to support the most disadvantaged in society.

Many respondents were in agreement with the principle of this change, but some expressed concerns that schools would be required to adopt it, or that it would lead to large numbers of other children being unable to access their local school.

As stated in the consultation document, there will be no requirement for admission authorities to include such a priority in their admission arrangements. This will be an **option** open to schools, who may adopt it if they wish. We are clear that admission authorities can use this priority flexibly and do not have to give admission priority to every pupil premium recipient. For example:

- they could choose to adopt the pupil premium priority for a proportion of their places, to mirror local pupil premium levels;

- they can use it to give priority with reference to other oversubscription criteria, such as limiting it to pupil premium children living within the school's catchment area.

We will provide admission authorities with additional advice on how they might implement this priority in response to the queries raised through consultation.

Any admission authority intending to adopt such a priority would have to ensure it was drawn up appropriately in the local context, and should be adopted only following a local consultation, in line with the requirements of the Code, to allow local views to be taken into account.

This should ensure that admission authorities take into account the wider impact of any changes to their policy, and that places remain available for other local children.

Priority for nursery children eligible for the early years pupil premium, pupil or service premium

This change will allow admission authorities of primary schools which have a nursery to give priority in their admission arrangements to disadvantaged children who attend the nursery. This will allow schools with a nursery to provide continuity of education for those children most in need of such support and stability, whilst providing an implicit limit on the proportion of children who can be prioritised, so that reception places remain available for other local parents who may have been unable or unwilling to send their child to the nursery.

Whilst many respondents welcomed the principle of giving admission priority and continuity of education to the most disadvantaged children, some respondents did raise a number of administrative issues in relation to the proposal, in particular around how the priority might work in practice.

As with the pupil premium proposal, there will be **no requirement for an admission authority to adopt this priority**, and any that choose to may do so flexibly and in a manner which is appropriate to their local circumstances. Similarly, any admission authority intending to adopt the priority would have to consult locally to ensure that any local concerns can be raised.

We have amended the wording of the relevant provisions of the Code to provide further clarity, and will provide additional advice to admission authorities on how they might operate the priority in practice.

Changes to the admissions timetable

These changes will benefit parents by ensuring that a greater proportion are able to apply for school places on the basis of lawful admission arrangements by:

- ensuring unlawful admission arrangements are changed more quickly, by introducing a two-month rolling deadline for compliance with a determination of the Schools Adjudicator; and
- ensuring the Schools Adjudicator can begin to consider objections earlier, by bringing forward the deadline for objections to the Adjudicator.

To do this, we need to make further adjustments to related elements of the admissions timetable. Specifically, we are altering the prescribed period within which admission authorities may consult on their admission arrangements and the minimum length of consultation; and bringing forward a number of deadlines relating to the determination and publication of admission arrangements.

Respondents were generally very positive about these changes, which they felt would bring increased clarity to the process and would reduce delays in unlawful admission arrangements being amended to comply with the Code.

In response to the consultation we have amended the drafting regarding the rolling deadline to make clear that there can be some flexibility at the Adjudicator's discretion, in cases where they feel it would be appropriate for an admission authority to take longer than two months to comply. For example, where it would be appropriate for the admission authority to consult locally before introducing the necessary change (e.g. where compliance would require a new catchment area to be drawn up), it may be felt in certain cases that this could not be done within the deadline.

A minority of respondents felt that the proposed changes to deadlines in the timetable might place additional pressure on admission authorities. However, the timetable changes will not come into effect until the 2015-16 school year and we believe this will ensure there is sufficient time for admission authorities to prepare for the changes.

Admission of summer born children

These changes will clarify the provisions around the admission of summer born children outside of their normal age group, in order to aid decision making for admission authorities and provide greater transparency for parents.

We received a range of responses to these proposals. Many parents who responded supported the changes, but wanted us to go further. For example, some felt that all summer born children should have an automatic right to a place in the lower year group so that they start in reception when they reach compulsory school age, where this is what

their parents believe best meets their needs. Many admission authorities who responded favoured retaining the status quo, and cautioned against making further changes. Many of these respondents emphasised the importance of decisions being made on a case-by-case basis in recognition of the individual circumstances of the child, and of professional evidence to support decision making. Some local authorities expressed wider concerns that a large number of children being admitted outside of their normal age group would make ensuring there are sufficient reception places for all children more difficult. The changes we are making balance these differing viewpoints, building on the guidance published last year. We have made some minor amendments to the provisions in response to the consultation to provide added clarity, and will consider whether it would be helpful to update the existing guidance.

Other technical drafting changes

We have also made a number of other technical drafting changes to provide additional clarity to existing provisions of the Code.

Most respondents strongly supported these changes as being sensible clarifications to the current drafting which will reduce confusion and make the Code easier to understand. The exception to this was the drafting of the provision around in-year admissions, which some respondents noted was open to misinterpretation and could potentially undermine many existing arrangements which are in place locally. We have therefore revised the drafting of this provision to make it clear that the provision applies except where other agreed arrangements are in place locally.

A number of respondents also suggested other policy and drafting changes which fell outside of the scope of the consultation. We have logged these other suggested changes for further consideration as part of any future revisions to the Code.

Next steps

We will lay the revised Code before Parliament in October 2014, and – subject to approval – it will come into force in December 2014. We will also lay the accompanying School Admission regulations which give effect to the some of the changes to the admissions timetable.

In addition, we will:

- provide additional advice to admission authorities regarding the changes, where necessary, to support them as the Code comes into force;
- review our existing guidance to ensure it is fit-for-purpose in respect of the revised Code.

We will review and evaluate the impact of the proposals once they have come into effect and ahead of any future revision of the Code.

Annex A: List of organisations that responded to the consultation

- Adderley Church of England School
- Al Furqan Educational Trust
- Alderman Swindell Infant School
- Altrincham Grammar School for Girls
- Archbishop Tenison's CE High School
- Army Families Federation
- Bedford Borough Council
- Birmingham LA
- Bishop Wordsworth's School
- Blackburn Diocesan Board of Education
- Blackpool Council
- Bliss
- Borough of Poole Council
- Bournemouth Borough Council
- Bracknell Forest Council
- Brent Council
- Buckinghamshire County Council
- Cardinal Newman Catholic School and Community College
- Catholic Education Service
- Cheshire East Council
- Childhood Bereavement Network
- City of London Academy (Southwark)
- City of London Corporation
- City of York Council
- Clayton-le-Moors All Saints' CE Primary School
- Colman Infant School
- Colyton Grammar School
- Comprehensive Future

- Compton All Saints Primary
- Connecting Tracks Project
- Cornwall Council
- Coventry City Council
- Croydon Council
- Cumbria County Council
- Darlington Borough Council
- Dartford Grammar School
- Derbyshire County Council
- Devon County Council
- Diocese of Northampton
- Directorate Children and Young People
- Dorset County Council Children's Services
- Early Education
- East Riding of Yorkshire Council
- Eden Primary
- Ellergreen Nursery School
- Essex County Council
- Fair Admissions Campaign
- Grammar School Heads' Association
- Guildford Diocese
- Hackney Learning Trust
- Hamilton Primary School
- Hampshire County Council
- Herefordshire Council
- Hertfordshire County Council
- Hertsmere Jewish Primary School
- Hinstock Primary School
- Hodnet Primary School
- Holyport College
- Independent Schools Council

- Information for School and College Governors
- Islington Local Authority
- JG Consultancy Service - Admissions Consultants
- Kendrick School
- Kent County Council
- Kidzone
- King Edward VI Handsworth School
- Kirklees Council
- Ladygrove Park Primary School
- Lancashire County Council
- Lancaster Royal Grammar School
- Leeds City Council
- Leicestershire County Council
- Lincolnshire County Council
- London Borough of Barking & Dagenham
- London Borough of Hammersmith and Fulham
- London Borough of Hounslow
- London Borough of Lewisham
- London Borough of Redbridge
- London Borough Waltham Forest
- London Boroughs of Sutton and Merton
- London Inter Authority Admisson Group (LIAAG)
- Longwell Green Primary School
- Margaret McMillan Nursery School
- Market Drayton Infants
- Market Drayton Junior School
- Marlborough Primary School
- Medway Council
- Mereside CE primary
- Milton Keynes Council
- MJPS

- NAHT
- NASAC
- NASUWT
- National Association of Orthodox Jewish Schools
- National Day Nurseries Association
- National Governors' Association
- Newcastle City Council
- North East Lincolnshire Local Authority
- North Lincolnshire Admissions Working Group
- North Somerset Council
- North Yorkshire County Council
- Northamptonshire County Council
- Northumberland County Council
- Nottingham City Council
- Nottingham Trent University
- Nottinghamshire County Council
- Office of Schools Adjudicator
- Office of the Children's Commissioner
- Old Church Nursery School and Pre-School
- Oxfordshire County Council
- Parmiter's School
- Pates Grammar School
- Plymouth City Council
- Portsmouth & Winchester Diocesan Board of Education
- Portsmouth City Council
- Prees CE Primary School and Nursery, with PIPS
- Pre-school Learning Alliance
- Professional Association for Childcare and Early Years
- Queen Elizabeth's Grammar School
- Rachel Keeling Nursery School
- Radbrook Primary School

- Reading Borough Council
- Riverview Junior School
- Robinswood Academy Trust
- Rogate CE Primary School
- Rosary Catholic Primary School
- Rotherham Borough Council
- Roundhay School
- Rugby High School
- Rutland Learning and Skills
- Salford City Council
- Sheffield City Council
- Shropshire Council
- Skipton Girls' High School
- Somerset Local Authority
- South Gloucestershire Council
- South West Admissions & Appeals Group
- St Andrew's Primary
- St Anthony's School
- St Joseph's Catholic Primary School
- St Mary & St John C.E.V.A. Primary School
- St Mary's CE Primary School
- St Marys Shawbury
- St. Gregory's Academy
- St. Nicholas C of E School
- Staffordshire County Council
- State Boarding Schools' Association
- Stepping Stones Nursery School
- Stone King LLP
- Suffolk County Council
- Surrey County Council
- Surrey Secondary Heads' Phase Council

- Sutton Trust
- Tameside MBC
- The Blue Coat School
- The Board of Deputies of British Jews
- The Early Years Centre
- The Judd School
- The National Society
- The Royal Borough of Kensington and Chelsea
- The Southwark Diocesan Board of Education
- Thurrock Council
- Tomlinscote School and Sixth Form College
- Tonbridge Grammar School
- Tower Hamlets Education
- Trafford Council
- United Synagogue
- University of Cambridge
- Voice: the union for education professionals
- Wakefield Council
- Wandsworth Borough Council
- West Berkshire Council
- West Sussex County Council
- Westminster City Council
- Wirral Council
- Wokingham Borough Council
- Wolverhampton City Council
- Woodfield Nursery School
- Worcestershire County Council
- Worth Primary School



Department
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2014 No. 2886

EDUCATION, ENGLAND

The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014

<i>Made</i>	- - - -	<i>30th October 2014</i>
<i>Laid before Parliament</i>		<i>3rd November 2014</i>
<i>Coming into force</i>	- -	<i>19th December 2014</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 88C, 88E, 88F, 88H, 88K, 88M, 92, 100, 102 and 138(7) of the School Standards and Framework Act 1998(a).

Citation and commencement

1. These Regulations may be cited as the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014 and come into force on 19th December 2014.

Amendment of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

2. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012(b) are amended in accordance with regulations 3 to 18.

3. In regulation 1 (citation, commencement and application)—

- (a) in paragraph (2) for “academic” substitute “school”; and
- (b) in paragraph (3)(a) for “academic” substitute “school”.

4. In regulation 2 (interpretation)—

- (a) in paragraph (2) for every instance of “academic” in the definitions of “admission number”, “admission year”, “determination year”, “offer year”, “pre-existing selection arrangements” and “selection arrangements”, substitute “school”;
- (b) in paragraph (2) after the definition of “School Admissions Code” insert—

(a) 1998 c.31; sections 88C to 88M were inserted by section 151 of the Education and Skills Act 2008 (c.25), sections 88F and 88M were amended by S.I. 2010/1158 and sections 88F, 88H and 88K were amended by the Education Act 2011 (c.21); sections 88H and 88K by section 36, sections 88H and 88K by section 64, and sections 88F and 88K by Schedule 10. Section 92 was substituted by paragraph 7 of Schedule 4 to the Education Act 2002 (c.32), sections 100 and 102 were amended respectively by sections 53 and 54 of the Education and Inspections Act 2006 (c.40). See section 142(1) of the School Standards and Framework Act 1998 for the definition of “regulations” and “prescribed”.

(b) S.I. 2012/8.

““school year” means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;”;

(c) in paragraph (3) for “academic” substitute “school”.

5. In regulation 3 (revocations and amendments) omit paragraphs (2) and (3).

6. In regulation 5 (proportion of selective admissions) in paragraph (2) for “an academic” substitute “a school”.

7. In regulation 6 (selection by aptitude for particular subjects) in paragraph (2) for every instance of “academic” substitute “school”.

8. In regulation 13 (matters to which consultation is to relate) in paragraph (2) for “academic” substitute “school”.

9. In regulation 14 (matters about which consultation is not required) in paragraph (1) for “academic” substitute “school”.

10. In regulation 15 (circumstances where consultation on admission arrangements is not required)—

(a) in paragraph (2) for “academic” substitute “school”; and

(b) in paragraphs (2) and (4) for “seven” substitute “six”.

11. For regulation 17 (time for consultation and determination of admission arrangements) substitute—

“17.—(1) For the school year 2016-2017, every admission authority must—

(a) complete any consultation required by section 88C and these Regulations on or before 1st March 2015;

(b) allow consultees at least eight weeks to respond; and

(c) determine their admission arrangements on or before 15th April 2015.

(2) For the school year 2017-2018 and every subsequent school year, every admission authority must—

(a) carry out any consultation required by section 88C and these Regulations between 1st October and 31st January in the determination year;

(b) allow consultees at least six weeks to respond; and

(c) determine their admission arrangements on or before 28th February in the determination year.”.

12. In regulation 18 (publication by local authority)—

(a) in paragraph (1) for “by 1st May in the determination year” substitute “on or before the relevant date”; and

(b) after paragraph (1) insert—

“(1A) For the purposes of paragraph (1), the relevant date is—

(a) for admission arrangements for the school year 2016-2017, 1st May 2015; and

(b) for admission arrangements for the school year 2017-2018 and every subsequent school year, 15th March in the determination year.”.

13. In regulation 19 (variation of admission arrangements) in paragraph (1) for “academic” substitute “school”.

14. For regulation 23 (time limit for objections) substitute—

“23.—(1) For admission arrangements for the school year 2016-2017, the adjudicator is not required to determine an objection under section 88H(2) unless it is received by the adjudicator on or before 30th June 2015.

(2) For admission arrangements for the school year 2017-2018 and every subsequent school year, the adjudicator is not required to determine an objection referred under section 88H(2) unless it is received by the adjudicator on or before 15th May in the determination year.”.

15. In regulation 27 (action to be taken by a local authority to secure adoption of a qualifying scheme) in paragraph (3)(b) for “seven” substitute “six”.

16. For regulation 28 (information to be provided to the Secretary of State) substitute—

“**28.**—(1) For admission arrangements for the school year 2016-2017, a local authority must inform the Secretary of State on or before 15th April 2015 whether they have secured the adoption of a qualifying scheme or not.

(2) For admission arrangements for the school year 2017-2018 and every subsequent school year, a local authority must inform the Secretary of State on or before 28th February in the determination year whether they have secured the adoption of a qualifying scheme or not.”.

17. For regulation 29 (making of a scheme by the Secretary of State) substitute—

“**29.**—(1) In any case where the local authority have not informed the Secretary of State on or before the relevant date in accordance with regulation 28 that a qualifying scheme has been adopted in their area—

- (a) the Secretary of State may make and impose a qualifying scheme; or
- (b) where the Secretary of State has previously made and imposed a qualifying scheme which had effect in relation to the preceding year and has not been revoked, the Secretary of State may notify the local authority that that qualifying scheme has effect in relation to the academic year immediately following.

(2) For the purposes of this regulation, the relevant date is—

- (a) for admission arrangements for the school year 2016-2017, 15th April 2015; and
- (b) for admission arrangements for the school year 2017-2018 and every subsequent school year, 28th February in the determination year.”.

18. In Schedule 4 (Rabbinic Authorities)—

- (a) in the list of schools for which the Chief Rabbi of the United Hebrew Congregations of the British Commonwealth/United Synagogue is the appropriate rabbinic authority—
 - (i) omit “Independent Jewish Day School, London NW4 2AH”, “King David High School, Manchester M8 5DY”, “King David Infants School, Manchester M8 6DR”, “King David Junior School, Manchester M8 5DJ” and “Yavneh College, Borehamwood WD6 1HN”; and
 - (ii) insert “Sacks Morasha Jewish Primary School, London” after “Rosh Pinah Jewish Primary School, Edgware” and “N12 9DX” in the corresponding place in the “Postcode” column;
- (b) in the list of schools for which the Elector Rabbis of the Jewish Secondary Schools Movement is the appropriate rabbinic authority—
 - (i) omit “Hasmonean High School, London NW14 1NA”; and
 - (ii) insert “Ben Shvidler Primary School, Edgware” before “Hasmonean Primary School, London” and “HA8 8NX” in the corresponding place in the “Postcode” column;
- (c) in the list of schools for which the Lubavitch Foundation is the appropriate rabbinic authority, insert “Lubavitch Boys Primary School, London” before “Lubavitch Ruth Lunzer Girls Primary School, London” and “E5 9AE” in the corresponding place in the “Postcode” column;
- (d) omit “Machzikei Hadass Synagogue, Manchester”, “Beis Yaakov High School, Salford M7 4FF” and “Yesoiday Hatorah School, Manchester M25 0JW”;

- (e) in the list of schools for which the Va'ad HaChinuch, Manchester, is the appropriate rabbinic authority, omit "Broughton Jewish Cassel Fox Primary School, Salford M7 4RT".

30th October 2014

David Laws
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Principal Regulations) and come into force on 19th December 2014, at the same time as the School Admissions Code 2014 (the Code).

Regulations 3, 4, 6, 7, 8, 9, 10 and 13 substitute the term "school year" for "academic year". The enabling powers for the Principal Regulations in the School Standards and Framework Act 1998 (the SSFA 1998) refer to "school year" in relation to admission arrangements. Section 88M of the SSFA 1998 refers to "academic year" but only in relation to a local authority qualifying scheme to co-ordinate admission arrangements. Regulations 3, 4, 6, 7, 8, 9, 10 and 13 amend the Principal Regulations to ensure consistency with the primary legislation.

Regulation 10 amends the frequency with which an admission authority is required to consult on their admission arrangements to ensure consistency with the Code. An admission authority is required to consult on their admission arrangements at least once every seven years i.e. where they have not consulted in any of the preceding six years.

Regulation 11 amends the dates by which an admission authority must consult on and determine their admission arrangements. For admission arrangements for the school year 2017-2018 and subsequent years, an admission authority must consult for a minimum of 6 weeks between 1st October and 31st January in the determination year, and must determine their admission arrangements by 28th February in the determination year.

Regulation 12 amends the date by which a local authority must publish school admissions information for its area. For admission arrangements for the school year 2017-2018 and subsequent years, a local authority must publish the required information by 15th March in the determination year.

Regulation 14 amends the date by which objections must be received by the school adjudicator. For admission arrangements for the school year 2017-2018 and subsequent years, an objection must be received by the adjudicator by 15th May in the determination year.

Regulation 15 amends the frequency with which a local authority is required to consult on a qualifying scheme to ensure consistency with the Code. A local authority is required to consult on a qualifying scheme at least once every seven years i.e. where it has not consulted in any of the preceding six years.

Regulations 16 and 17 amend the date by which a local authority must inform the Secretary of State whether they have secured the adoption of a qualifying scheme or not. For admission arrangements for the school year 2017-2018 and subsequent years, a local authority must provide this information to the Secretary of State by 28th February in the determination year and if they do not do so, the Secretary of State may make and impose a scheme.

Regulation 18 amends Schedule 4 (Rabbinic Authorities) to remove schools that have converted to Academies and are, therefore, no longer maintained schools to which the Principal Regulations

apply, and to insert new maintained Jewish schools that have been established since the Principal Regulations were made.

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. The instrument has minimal impact on the public sector.

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