

**TITLE** New School Admissions Code – update

**FOR CONSIDERATION BY** School Admissions Forum on 10 February 2015

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**SUMMARY**

The School Admissions Forum was advised of the consultation by the Department for Education on changes to the School Admissions Code last year and were appraised of the response made to the consultation by Wokingham Borough Council.

**RECOMMENDATIONS**

That the Forum notes the changes made to the Code following its publication.

**SUPPORTING INFORMATION**

The Department for Education has made changes, following the consultation and issued a two page summary of the changes (attached). A summary of specific wording changes is also attached for information.

**List of Background Papers**

School Admissions Code and School Admissions Appeals Codes and relevant regulations  
 Department for Education – 2 page summary of changes to the Code  
 Summary of specific changes to the Code

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## The School Admissions Code 2014

A new School Admissions Code came into force on 19 December.

It introduces a number of **freedoms** as well as some **new requirements**. The relevant parts of the new Code are shown in brackets and should be read in conjunction with this.

### Freedoms

It allows all state-funded schools to give priority in their admission arrangements to children eligible for **pupil premium or service premium funding** (paragraph 1.39A). It also allows all admission authorities of primary schools to give priority in their admission arrangements to children eligible for the **early years pupil premium or service premium who attend a nursery which is established and run by the school** (paragraph 1.39B). As part of this change, it remove 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 (paragraph 1.9f).

The department has published supplementary **non-statutory advice** to help admission authorities use the pupil premium priority in their arrangements. This is available at [www.gov.uk/government/publications/using-the-pupil-premium-or-service-premium-in-admissions](http://www.gov.uk/government/publications/using-the-pupil-premium-or-service-premium-in-admissions).

### Requirements

For admission arrangements determined in 2015/16 for entry in September 2017 (and thereafter), the Code brings forward the dates for admission authorities to consult locally on their arrangements and reduces the duration of such **consultation** from 8 to 6 weeks. It also requires correspondingly **earlier dates for the annual determination and publication of admission arrangements** and for objections to the schools adjudicator (paragraphs 1.43 – 1.50)

The Code now also requires admission authorities to amend their admission arrangements to comply with a decision of the Schools Adjudicator **within two months of a decision of the Adjudicator** (or by 28 February following the decision, whichever is sooner) unless an alternative timescale is specified by the Adjudicator (paragraph 3.1).

Both the above changes will help to increase the proportion of parents able to apply for a school place on the basis of lawful admission arrangements.

The Code further clarifies requirements on the admission of **children outside their normal age group, in particular summer-born children**. It introduces a new requirement on how admission authorities must describe the arrangements for these children (paragraph 2.17) and how they and local authorities must process such applications (paragraphs 2.17A and 2.17B). It also makes explicit that a child is

entitled to a **full-time place in the September following its fourth birthday** (paragraph 2.16).

The department has published revised supplementary **non-statutory advice** to help admission authorities comply with the admission of summer-born children. This is available at [www.gov.uk/government/publications/summer-born-children-school-admission](http://www.gov.uk/government/publications/summer-born-children-school-admission).

The Code also extends priority for admission to **all previously looked after children** (paragraph 1.7 and footnote 17).

### **The impact on admission authorities and local authorities**

#### **Immediate**

The requirements on the admission of children outside their normal age group and the priority for previously looked after children come into effect immediately. Admission authorities **must therefore vary their arrangements** straightaway to give effect to the mandatory requirements of the Code (in line with paragraphs 3.6 – 3.7), i.e. to give priority to all previously looked after children and make clear the process for requesting admission out of the normal age group. They must also ensure these changes are reflected in the arrangements they determine by 15 April 2015 for entry in September 2016.

Admission authorities **must also follow** the revised timetable for complying with a determination of a schools adjudicator, for determinations issued after 19 December 2014.

Admission authorities **can use the new freedoms** to give priority for children eligible for the various categories of pupil premium. In order to do this for September 2016 intake they will need to have consulted on revised admission arrangements by 1 March 2015.

#### **Longer-term**

Requirements on the revised timetable for determining admission arrangements take effect in 2015/16, and are therefore slightly longer term, but local authorities and admission authorities should **start to plan for these in good time**.

## School Admission Code changes by section following consultation

1.9 – what admission authorities **must not** do when formulating their admission arrangements:

1.9 b) take into account any previous schools attended, unless it is a named feeder school. The following sentence has been removed: “The exception to this is where priority is given to children attending a nursery in accordance with para 1.39B).

1.9 f) the Code has a new bit added at the end of priority to children according to occupational, marital or educational status of parents apply by adding “in accordance with 1.39 – 1.39B.

1.9 i) the Code removes reference to “may take account of religious activities within their admission arrangements in accordance with paragraphs 1.37 and 1.38) and replaced with “as laid by the body or person representing the religion or religious denomination)<sup>22</sup>

<sup>22</sup> Schedule 3 of the School Admissions Regulations 2012. For Academies, the representative body or person is set out in the Funding Agreement

All subsequent footnote numbering now moves by one.

1.39B (b) Removal of reference to “including through a school-owned subsidiary”. This is replaced by “The nursery **must** be named in the admission arrangements and its selection must be transparent and made on reasonable grounds”.

2.14 Waiting lists – the wording has changed from “for at least the first term of the school year of admissions” to “until at least 31 December of each school year of admission”

2.16 b) the phrase “or ,for children born between 1 April and 31 August” is removed and the clause now reads “parents can defer the date by which their child is admitted to school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which the offer was made; and”

There are a lot of changes to the admission of children below compulsory school age and deferred entry to school too many additions to mention in clauses 2.17; 2.17A and 2.17B. It does however includes a requirement that “Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”

2.21 In-year. The final sentence has been changed from “parents can apply directly to own admission authority schools” and now reads “They can do this applying directly to admission authorities except where other arrangements are in place locally (e.g. local authority co-ordinates all in-year admissions).