

Admissions Updates 8/7/21

Variation of Admissions Arrangements

Recently the DFE updated their guidance on changes to oversubscription criteria in church school admission arrangements which have been affected by the coronavirus (COVID-19) outbreak.

The guidance document can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/997804/Advice_on_varying_the_admission_arrangements_of_faith_.p

We repeat our previous advice that schools who had their arrangements approved last year, in relation to church closures and attendance criteria, need not go through another variation process. The wording remains in your admissions arrangements going forward.

Should you require further advice on this, contact info.ed@leeds.anglican.org.

NEW – School Admissions Code 21

The new School Admissions Code 21 has been published and will come into force from 1st September 2021. At the time of writing, it is still subject to parliamentary approval which the DfE originally confirmed was due on 2nd July.

Summary of changes:

- Adding children adopted from state care outside of England as an admissions priority, alongside looked after or previously looked after children in England.
- Introducing more detail on the process for managing in-year admissions.
- Changes to improve the effectiveness of Fair Access Protocols.
- Clarification of which address to use for the admission of service or crown servant children.

Summary of next steps for schools:

- Arrangements for admission in September 2021 and September 2022 will need to be updated.
- Admissions arrangements for September 2023 will also need to incorporate the changes.
- More detailed information will need to be published on the school's website.
- Additional information will need to be provided to the local authority.

Changes to the School Admissions Code

The new Code can be accessed here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/989176/School_admission_code_2021_slip.pdf

Below is a breakdown of the changes in more detail.

Looked after/previously looked after children

The 2014 Code requires admission authorities to give top priority in their oversubscription criteria to looked after children and previously looked after children who had ceased to be looked after due to an adoption, child arrangements or special guardianship order having been made in respect of them. This priority was limited to previously looked after children in England.

Paragraph 1.7 of the Code expands the definition of previously looked after children to include those children who were in state care outside of England but who were then adopted. State care is further defined as being in the care of public authorities, religious authorities or other organisations that act in the public benefit and could encompass a wide range of institutions. Given that the tasks of determining whether a child meets this definition will fall to admission authorities, the DfE have stated that additional non-statutory guidance will be published in the next few weeks. It will be important for admission authorities to review this guidance when available and be clear on what evidence is required to assess applications from 1 September 2021 onwards.

In year admissions

There are several changes to clarify the decisions, responsibilities and procedures relating to in-year admissions. Paragraph 1.4 clarifies that a school's published admission number (PAN) only applies to the usual point of entry in a school – Reception (primary school), Year 5 (middle school), Year 7 (secondary school) or Year 12 (6th form). For other year groups which are not the usual points of admission, it will be for the admission authority to determine whether there are available spaces or whether admissions beyond a particular level would cause prejudice to the provision of efficient education, i.e. would cause the school practical problems in delivering appropriate educational provision to its existing pupils. It may be the case that admission authorities determine that the PAN (from the point of admission) continues to be a relevant benchmark to determine whether a request for admission can be accepted or rejected, but there may be occasions where the admission authority feels it is necessary to set an operational capacity for a year group or groups which is different to the PAN. It will be necessary for the admission authority to record and evidence those decisions and, where the Local authority is coordinating in-year admissions, provide that decision to the local authority to assist in their operation of that service.

There is also a new requirement for greater clarity in the in-year admission processes being operated by admission authorities set out in paragraphs 2.23 to 2.30. These requirements include:

- An obligation on own admission authorities to decide whether to operate their own in-year admission processes or work with the local authority in-year coordinated admission processes where these are available. A decision must be communicated to the local authority by 1 October 2021 on this issue and then on an annual basis by 1 August;
- The local authority to put information online about in-year coordinated admissions, including the relevant application form and which schools are participating in the coordinated arrangements and which schools are dealing with admissions on their own. This information must be published by 31 October 2021 and then by 31 August in following years. Admission authorities joining the local authority arrangements must also publish information concerning the fact and providing relevant contact information to assist parents;
- Admission authorities not joining the local authority's coordinated arrangements must also publish information relating to how their admission processes will operate, including the timescales for decision making. The requirements for decisions are that admission authorities should aim for an outcome decision within 10 school days, but must issue a decision within 15 school days;
- Own admission authorities must share information with the local authority about the availability of places in their school(s) within two school days of the request, and also the request for admission

and outcomes of any school applications made as soon as reasonably practical, but with the aim of two school days being achieved.

These changes will have an impact on all admission authorities with a requirement for much tighter processes to be operated to ensure that there are no unreasonable delays in decision making on admissions. It will be particularly important for own admission authorities who choose to operate outside of local authority arrangements to review their processes to ensure compliance with the timescales, given the need for admission authorities or an admissions committee established by the admission authority, to make allocation decisions in accordance with paragraph 2.7 of the Code. A greater use of video/telephone technology may be useful in making such decisions as long as these are minuted in line with governance requirements.

Children of UK service personnel and crown servants

The current version of the Schools Admissions Code is unclear in respect of the home address to be used when considering an application a child of UK service personal and crown servants. From 1st September, admission authorities must allocate a place to families of service personnel with a confirmed posting, or crown servants returning from overseas. This place must be offered if one is available and provided the application is accompanied by an official letter that declares a relocation date.

In addition, admission authorities will be expected to use the address at which the child will live when applying their oversubscription criteria and support the government's commitment to removing disadvantage for service children, whilst ensuring that they do not reserve blocks of places for these children.

Fair Access Protocols (FAP)

These are not new creations within the Code, but the requirements around FAPs are changing and it will be necessary for admission authorities to understand the changes as they can impact on admissions to schools.

The revised requirements for FAPs are set out in paragraphs 3.14 onwards. However, FAPs may be relevant for admission authorities where in-year admissions are refused due to the school deciding that the child has challenging behaviour. The Code now provides a standard definition for that behaviour (in the footnote to paragraph 3.10) and it will be for admission authorities to ensure that they have evidence to support such a finding prior to referral to the FAP.

In terms of other key points arising from the FAP:

- It remains a local authority responsibility to draw up the FAP, but this must be drawn up in consultation with schools in the authority's area and agreed by the majority of schools. Where the majority of schools no longer support the FAP arrangements, a review must be initiated, and clear processes established for this to happen;
- Admission authorities have a duty to participate in the FAP arrangements, and this will include providing a representative with delegated authority from the admission authority to make allocation decisions;
- FAPs now encompass wider categories of children – unplaced, vulnerable and those who are unable to secure a school place in-year. This results in a greater number of categories of children who may be eligible for support under FAP (paragraph 3.17) but those are the only categories of child who may be supported – there can be no local variation, as is the case currently. In addition, the local authority must share information with admission authorities, giving reasonable notice of meetings and decision-making processes, and provide information that shows the inability to secure an in-year place and the reasonable steps taken to do so;

- Allocation decisions must be made within 20 school days from the date on which the child was deemed to be eligible for support under the FAP;
- Whilst the expectation remains that admission authorities will admit children under FAP arrangements, the Code continues to refer to the possibility of directions being issued to maintained schools by the local authority or by the DfE for academies.

Next steps:

As the duty on admission authorities is to act in accordance with the Code, there will be an obligation to undertake certain actions as quickly as possible in the new academic year to ensure compliance with the Code's new requirements.

- Ensure that the whole board are aware of these changes and that there is a fuller understanding by an allocated governor or the admissions committee. Look out for the forthcoming published guidance documents.
- Previously determined admission arrangements for admission in September 2021 and September 2022 need to be updated so that they are Code compliant. There is no need to use a variation or consultation process (Code: pg 7, footnote 7).
- Highlight the changes made (above) on your website to provide clarity.
- Ensure admissions arrangements for September 2023 (which need to be determined by 28 February 2022) also incorporate the changes.
- Decide on the process the board will use for in year admission arrangements and ensure that all the relevant information as set out in paragraphs 2.23 to 2.30 is published clearly on the school website. Inform the local authority of your decision by 1st October.

To support schools we have adjusted our sample policies document, which can be [accessed here](#).

We will also be holding a virtual Admissions Briefing for governors 6 – 7 pm on Wednesday 8th September 21. You can enrol onto this briefing here by [clicking here](#).

We advise all of our schools to review their admissions arrangements on an annual basis, we have a document to support board discussions which is [available here](#).

Office of the Schools Adjudicator – Report

The Schools Adjudicator has published their annual report covering 1 September 2019 to 31 December 2020 (slightly extended this year, to cover the substantial increase in requests for variations due to the coronavirus (COVID-19) pandemic). This can be read by clicking here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/985342/Office_of_the_Schools_Adjudicator_Report_of_our_work_2019_to_2020.pdf

Should you require support with admissions then don't hesitate to contact your named adviser in the first instance.