

Changes to the School Admissions Code September 2021

Variation to include children previously looked after who have been in state care outside of England.

DATE: XX/XX/2021

Introduction

1. This briefing note presents to the Governing Bodies an update on the proposed changes to the School Admissions Code. [Changes to the School Admissions Code](#)

The draft Code and associated regulations were laid before Parliament on 13 May 2021. The Code is laid in Parliament for a 40-day period during which both the House of Commons and the House of Lords have the opportunity to review the Code and any Member can pass a motion to not approve it. This 40-day period is expected to expire on 1 July, and provided there is no such motion, the new Code will come into force on 1 September 2021.

2. Change to the School Admissions Code, that requires Governing Bodies approval:
 - Children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted to be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). This advice refers to these children as internationally adopted previously looked after children – “**IAPLAC.**”

This means that all admission authorities must vary their admission arrangements to include references to previously looked after children to include children who have been in state care outside of England and have ceased to be in care as a result of being adopted, and children who were adopted (or subject to child arrangement orders or special guardianship orders) immediately following having been looked after in England.

Recommendations

3. The Governing Body is asked to:
 1. Note the statutory changes to the School Admissions Code and the officer comments set out in this briefing note.
 2. Note that variations will be conditional on the Code passing through its Parliamentary process (a date on or around 1 July 2021). All such variations should come into effect on 1 September 2021. Without these variations, admission arrangements that have already been determined will no longer comply with the Code from this date.
 3. To consider and agree to formally vary **SCHOOL NAME** determined admission arrangements which will take effect from 1 September 2021.
 4. Agree to vary **SCHOOL NAME** admission arrangements for 2021/22 (which would have been determined by 15 February 2020) and their admission arrangements for 2022/23 (which would have been determined by 15 February 2021).

Background

In the current School Admissions Code 2014 it states that priority will be given to 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 order.

Paragraph 1.7 of the new Code will require that highest priority be given to “looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.”

All references to previously looked after children in the Code mean children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after **as well as** those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

This means that the other provisions in the Code which apply to a previously looked after child (PLAC) (for example, in relation to the admission arrangements of schools with a religious character, selective arrangements, and boarding priority) apply to internationally adopted previously looked after children (IAPLAC) in exactly the same way as they do to PLAC.

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 arrangements.

As these variations will be necessary to comply with a mandatory requirement of the Code, it will not be necessary to refer a variation request to either the school's adjudicator (in respect of maintained schools) or the ESFA (in respect of academies).

Risks associated to not agreeing a variation.

In summary, concerns centre on the:

1. Subject to objection or delay to vary **SCHOOL NAME** determined admission arrangements for 2021/22 & 2022/23, will mean **SCHOOL NAME** would not be compliant with the mandatory requirements of the Code or the law.

Next Steps

- The 40-day period is expected to expire on 1 July, and provided there is no such motion, the new Code will come into force on 1 September 2021 and such variations will need to be in place.
- As Governing Body is the admissions authority for **SCHOOL NAME**, **SCHOOL NAME** we will be responsible for varying our admissions arrangements.
- Subject to agreement admission authorities must also ensure a copy of the full varied admission arrangements are published on **SCHOOL NAME** website by 1 September 2021.

Additional changes to the School Admissions Code from 1 September 2021

In addition to the changes specified above the government has proposed some further changes to the Code which aim to improve support for the in-year admission of vulnerable children and help reduce to a minimum any gaps in their education. These changes are in response to the

recommendations made in the Children in Need Review and the Domestic Abuse White Paper. The following areas are also proposed to come into effect:

1. Introducing a dedicated section in the Code which sets out a clear process for managing in-year admissions including:
 - Introducing timescales for different stages of the application;
 - Requiring local authorities and admission authorities to provide information on the in year application process;
 - Making the in-year process easier for parents to navigate
2. Changes to improve the effectiveness of Fair Access Protocols by;
 - Making the purpose of Fair Access Protocols clearer;
 - Introducing timescales for placement decisions;
 - Ensuring Fair Access Protocols are only used to support the most vulnerable children;
 - Clarifying the provisions relating to the use of Fair Access Protocols for children with challenging behaviour.
3. Providing clarification on which address to use for admission of service or crown servant children.
4. Some minor drafting changes to improve clarity.

Please note that additional changes listed above DO NOT require a variation.

NAME

JOB TITLE

DATE

Governing Body approval – Yes / No

Date: XX/XX/XXXX