

Up-to-speed on: proposed changes to the 'School Admissions Code'

The DfE has launched a consultation on a revised version of the statutory '[School Admissions Code](#)' (the Code). The overarching changes that are being proposed aim to better support the in-year admission of vulnerable children. This article breaks down the key proposed changes.

Key points

1. [A new section on in-year admissions would be introduced](#)
2. [Responsibilities regarding informing parents of the in-year admission process would be made clear](#)
3. [New timescales would be introduced to ensure parents are provided with information in a timely manner](#)
4. [Changes would be made to Fair Access Protocols \(FAPs\)](#)
5. [Children previously in state care outside of England would be given high priority in oversubscription criteria](#)
6. [Changes would be made in relation to the admission of service children and children of crown servants](#)

Read more about each key point below.

A new section on in-year admissions would be introduced

The DfE is proposing to include a dedicated section on in-year admissions in the Code. This section would clearly set out how the in-year admissions process should be managed, to ensure a consistent approach is taken and that decisions are made in a timely manner, thereby reducing the time children are out of school.

Responsibilities regarding informing parents of the in-year admission process would be made clear

If the proposals were accepted, the following provisions would be implemented:

- LAs would be required to publish information on their websites by 31 August each year on how in-year applications can be made and how they are managed – this includes setting out details of which schools they will coordinate applications for and which schools will manage their own in-year applications.
- Own admission authority schools would be required to inform their LA by 1 August each year if they intend to be part of the LA's in-year coordination scheme, where it is offered.
- Own admission authority schools would be required to publish on their websites how in-year applications will be handled by 31 August each year.

- LAs and own admission authority schools who will coordinate their own in-year admissions would be required to provide a suitable application form for parents to complete when applying for a place in-year.

New timescales would be introduced to ensure parents are provided with information in a timely manner

To allow LAs to advise parents on the availability of school places in their area in a timely manner, admission authorities would be required to provide their LA with details of the number of places available at their school within two school days of receiving the request from the LA.

Admission authorities (or the LA, if it is coordinating the admission authority's in-year admissions) would be required to notify parents of the outcome of their in-year application within 10 school days. Where an application is refused, the notification would need to include the reason for refusal and information about the right to appeal.

Changes would be made to Fair Access Protocols (FAPs)

Several changes are being proposed to improve the effectiveness of Fair Access Protocols (FAPs) – which make sure unplaced children can be found a school place as quickly as possible – and ensure they are used appropriately.

These changes include:

- Emphasising that an FAP is an agreement between the LA and all admission authorities in the areas and, once it has been agreed, all schools must participate in it – this includes schools having a representative who is authorised to have discussions and make decisions about placing children via the FAP.
- Emphasising that the purpose of the FAP is to ensure that unplaced and vulnerable children are found and offered an appropriate school place as soon as possible.
- Clarifying that the FAP must treat all schools in a fair, equitable and consistent manner.
- Clarifying that FAPs may only be used to place specific categories of vulnerable children, where they are having difficulty in securing a school place in-year and it can be demonstrated that reasonable measures have been taken to secure a place for them through the ordinary in-year admission process.
- Extending the specific categories of children who may be admitted via the FAP to include children on a Child in Need or Child Protection Plan and children living in refuge or emergency accommodation at the point of being referred to the FAP.
- Clarifying that the FAP may also be used to place children for whom a school place has not been sought due to 'exceptional circumstances', and for children who have been out of school for four or more weeks and for whom there are no places available at any school within a reasonable distance to their home.
- Clarifying when admission authorities are able to refuse an admission on the basis that a child displays challenging behaviour.
- Introducing a maximum 20 school day time limit for a school place to be allocated to a child who it has been agreed will be considered under the FAP.

- Clarifying that in the event of the majority of the schools in the area no longer supporting the principles and approach of the FAP, the schools can initiate a review with the LA and that the FAP should set out how such a review can be initiated.

Children previously in state care outside of England would be given high priority in oversubscription criteria

The DfE is proposing to extend the provision in the Code which requires admission authorities to give highest priority in their oversubscription criteria to LAC and previously LAC to include children who were previously in state care outside of England and ceased to be in care as a result of being adopted.

The Code would also clarify that all references to previously LAC also include those children who appear to have been in state care outside of England and ceased to be in care due to being adopted, as well as children who were adopted (or subject to child arrangement orders or special guardianship orders) immediately following having been looked after in England.

To help admission authorities to implement these changes, the DfE is proposing to publish additional non-statutory advice.

Changes would be made in relation to the admission of service children and children of crown servants

The DfE is proposing to clarify that:

- Admission authorities may use a private address or a Unit or quartering area address as the child's home address to allocate a place in advance of a family moving – this will better reflect the living arrangements of these families.
- Admission authorities should be flexible in what they accept as proof of address when applying the oversubscription criteria – they should not insist on evidence that would only be available if the family were already living at the address.
- The address where the child will be living must be used when considering the case against the oversubscription criteria.

What's next?

- The consultation will close at 11:59pm on 16 October 2020 – you can read the consultation documents in full and respond [here](#).
- The DfE has said it will aim to publish its response to the consultation in Winter 2020.
- When the government responds to the consultation, we'll be here to make sure you know what you need to do next.

Bibliography

DfE (2020) 'Changes to the School Admissions Code'