



Department
for Education

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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.

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