



2021 School Admissions Code – Summary of Changes and Potential Action Required

June 2021

The 2021 School Admissions Code is available to view by following this link:

[School admissions code - GOV.UK \(www.gov.uk\)](https://www.gov.uk/school-admissions-code)

The 2021 version has been published, but it is subject to parliamentary approval which should be given in early July. If parliament approves the 2021 version it will apply to all admission arrangements from 1 September 2021. The CES has also been informed by the Department for Education that they are working on guidance to accompany some of the changes and the information below may need to be updated when this guidance has been reviewed.

The purpose of this document is to provide a summary of the changes that have been made to the 2014 version of the code and to provide information about action that admission authorities may need to consider prior to 1 September 2021 in order to ensure that their admission arrangements are code compliant from that date. The CES produces model admissions arrangements which are provided to dioceses and when the Department for Education issues its guidance, the CES will issue a revised model which will include any necessary changes. It is appreciated that, on this basis, the timescale for varying admission arrangements will be short and admission authorities may wish to schedule meetings to consider and approve variations for towards the end of the summer term or perhaps even for the end of August to give sufficient time.

A review of this document is not a substitute for reading the 2021 code in its entirety and admission authorities should ensure that they are sufficiently familiar with the provisions of the code. Dioceses may also provide more detailed advice, (which may include revised model arrangements), to their admission authorities which will supplement this document. This document is not legal advice to admission authorities as to how they might ensure compliance with the 2021 code, it is merely intended as a useful summary which will provide a starting point for discussions.

Not every change has been listed below, there are changes to dates which we have not listed (see for example, paragraphs 15(b) and (c) in the Introduction).

If admission authorities have questions in relation to the information provided below, they should contact their diocese.

The CES is not able to answer queries from individual schools.

Subject and paragraph in the 2021 code	Change	Potential action required by admission authorities (if any)
In-Year Admissions		
Paragraphs 2.23-2.31	Provides a new dedicated section of the code on in-year admissions to better support all admission authorities in discharging their duties when processing in-year applications.	<p>It is worth noting that Local Authorities are only able to co-ordinate in-year applications where they are not the admission authority, with the agreement of the relevant admission authority.</p> <p>Admission authorities should review Paragraphs 2.23-2.31 carefully, particularly in relation to the information that must be provided to the local authority and when this must be provided by. For example, own admission authorities must inform the local authority by 1 October 2021 (1 August in subsequent years) whether they intend to be part of the co-ordinated scheme or not for in-year admissions.</p>
	Clarifying responsibilities around making information available to parents on how the in-year admissions process works.	<p>Admission authorities should review paragraph 2.26 in relation to including information on the school's website as to how in-year applications will be dealt with.</p> <p>The website must set out how parents can apply for a school place, provide a suitable form for parents to complete (and a SIF where necessary), set out when parents will be notified of the outcome of their application and the right to appeal. A hard copy of the information must also be available on request.</p> <p><i>The Diocese will provide further guidance on appropriate wording for the website regarding In Year admissions and general guidance regarding admissions information that must be displayed on the website in due course.</i></p>

		The Diocesan Model policy wording has been updated to reflect the change however admission authorities will also need to think about their own internal processes for managing In Year applications
	Requiring decisions on in-year applications to be made within 15 school days.	<p>Admission authorities should review paragraph 2.30. Admission authorities should aim to notify parents of the outcome of an in-year application within 10 school days but they must respond in writing within 15 school days of the application being made.</p> <p>Where an application is refused the letter must set out the reason for refusal and information about the right to appeal in accordance with paragraph 2.32.</p> <p>Admission authorities must notify the local authority of all applications made and the outcome of those applications and they should aim to do this within two school days.</p> <p>Admission authorities may need to convene admissions meetings at fairly short notice and admissions committee members will need to be flexible in this regard. Note that it is possible to hold such meetings virtually.</p>
	Admission authorities are required to provide information on availability of school places to local authorities whenever this is requested to assist parents looking for a school place for their child	School administration staff will need to ensure that they are able to provide this information when requested. The code provides that this information should be provided no later than two days following receipt of a request.
Fair Access Protocols		
Paragraphs 3.14-3.22	Clarifying the provisions of the code in relation to FAPs to make clear the purpose of the FAP, when it should be used and setting out a clear	Admission authorities should review these paragraphs of the code carefully including the footnotes. Admission authorities should note that footnote 79 provides that decisions to admit

	process of how the FAP should work, including requiring that placement decisions need to be made within 20 school days of a child being referred to the FAP.	can be delegated to an individual for the purposes of placing children under the FAP. This would usually be the headteacher or member of the SLT attending the Fair Access Panel.
	Extending the mandatory categories of children who must be admitted via the FAP to include children on a Child in Need/Child Protection Plan, children in refuge, children in formal kinship care arrangements, children who have been out of education for four or more weeks and previously looked after children for whom the local authority has been unable to promptly secure a school place.	Schools should carefully review the revised Fair Access Protocols when issued by the LA and inform the LA/Diocese of any areas of concern.
	Removing the ability for local authorities to introduce their own FAP categories and avoiding the routine use of FAPs in place of the usual in-year admission process.	Review categories of children covered under the FAP and raise any concerns with the LA if it appears that a child has not in the first instance applied through the in Year process.
Paragraph 3.8-3.13	Clarifying the process of refusing to admit a child who displays challenging behaviour, including defining challenging behaviour.	
Giving parity to children who have been adopted from state care outside of England (IAPLAC) as PLAC		
Paragraph 1.7	Extending highest admissions priority to IAPLAC.	This change will require a variation to admission arrangements. In relation to IAPLAC the wording of the 2021 code states that these are 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”.

		<p>It is acknowledged that whilst this provision will only apply to a small number of applicants, it may be difficult for admission authorities to determine whether or not a child appears to them to have been in state care abroad or adopted following being in state care.</p> <p>The Department for Education intends to issue further guidance on this point for admission authorities and it is thought that admission authorities will be advised to seek guidance from the virtual head where necessary. The code provides some additional note as follows:</p> <p>'a child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society'</p> <p>The Diocese have amended their model admission arrangements based on CES guidance to include the change in definition.</p> <p>It is worth noting at this stage that a variation to bring arrangements into compliance with a mandatory provision of the code can be made without any application being made in accordance with Paragraph 3.6 of the code (i.e. consultation process). Admission authorities will have to have a meeting to approve the variation to the arrangements with effect from 1 September and will need to ensure that the revised arrangements are publicised. The variation will affect admission arrangements for 2021/22 and 2022/23 which have already been determined.</p>
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	Extending any provisions given to PLAC to IAPLAC.	There are various amendments in the code to deal with this point. Broadly speaking, admission authorities should treat children adopted overseas as if they were previously looked after children from this country.
Processing applications from families of Service and Crown Personnel		
Paragraph 2.21	Clarifying that admission authorities should be flexible with regard to the form of evidence that parents must provide as proof of address, whereas currently, some admission authorities are rigid about what they will accept as proof of address.	Inform admissions committee members accordingly and ensure that a more flexible approach is taken during the 2021 admissions round and beyond. Paragraph 2.21 allows a place to be allocated in advance of the family arriving in the area if the application is accompanied by an official letter confirming the relocation date. Admission authorities must not refuse an application solely because the family do not have an address or live in the area.

Minor policy and technical drafting changes		
PAN – Paragraph 1.4 and 1.5	Confirmation that the PAN does not apply to year groups which are not the normal years of entry. Admission authorities can admit over the original admission number set for any given year group.	<p>Ensure that appropriate considerations take place in relation to the refusal of places where applications for in-year admission are made.</p> <p>The revised wording in Paragraph 1.5 makes it clear that admission authorities may not refuse in-year admission on the grounds that they have already reached PAN, but they may refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources.</p> <p>Admission authorities may need to review standard correspondence issued to refuse in-year admissions to ensure that the reasons for refusing admission are code compliant. <i>The Diocese will provide template letters for schools use. In due course.</i></p>
Admission of pupils with an EHCP	Confirmation that all children whose EHCP names the school must be admitted.	This provision states the legal requirement to admit children with an EHCP naming the school. This point is re-iterated in the model admission arrangements.
Academic entry requirements – Paragraph 1.9(d)	Confirmation that as well as designated grammar schools, school sixth forms may also select by ability by setting academic entry requirements.	These entry requirements must be clearly stated on the schools website/prospectus
Meaning of practical support – Paragraph 1.9(e)	Clarification of the meaning of a parent providing practical support to a school.	Admission authorities should review footnote 21.

Nodal points – Paragraph 1.13	Confirmation that nodal points are permitted and a definition is now included in the glossary.	<p>The Diocesan model policy does not use nodal points however it is stated in paragraph 1.13 that admission authorities must set out clearly how distance from home to the school will be measured. This includes a requirement to make it clear how the home address will be determined. Admission authorities must insert in the model policy how they measure distance, in most cases schools use the local authority descriptor, this description should be inserted in the policy.</p> <p>The Diocesan model admission arrangements, states that the home address will be the address provided on the Common Application Form by the parent.</p>
Determination of admission arrangements – Paragraph 1.49	Clarification of meaning.	The code states that determination occurs at the point at which the admission arrangements are formally agreed by the admission authority. This decision should be recorded in the minutes of the meeting at which it is made.
Deadline for publication of determined admission arrangements – Paragraph 1.50	Clarification of deadline.	Admission Arrangements must be determined annually by 28 February. Admission arrangements must be published on website, sent to LA & diocese by 15 March
Updating composite prospectus – Paragraph 1.54	Clarification that local authorities must update their composite prospectus and website where a new academy or free school opens during the offer year.	
SIFs – Paragraph 2.4	Clarification that admission authorities cannot give additional priority solely on the basis that parents complete the SIF.	Admission authorities must ensure that they only rank applicants using their published oversubscription criteria.
Allocating places – Paragraph 2.7	Requirements to record decision making.	Additional wording has been added to make it clear that admission authorities must keep a clear record of any decisions

		<p>made on applications, including in-year applications. Admission authorities should review footnote 51 which relates to decisions being made by way of virtual meetings.</p> <p>Admission authorities should consider any processes that they use for making decisions and recording those decisions in order to ensure that they are code compliant.</p>
Faith priority – Paragraph 2.15	Clarification of the ability of designated faith schools to prioritise children of the faith, including over those children who are either looked after children or previously looked after children, but are not of the faith.	<p>This change confirms that Catholic looked after children and previously looked after children which includes children adopted from overseas should have the highest priority and that non-Catholic LAC, PLAC and IAPLAC can be given priority over non Catholic children in oversubscription criteria. Admission authorities should review footnote 52.</p> <p>Admission authorities should be aware that new wording has been added “Looked after children or previously looked after children allocated a place at the school in accordance with the Fair Access Protocol must take precedence over those on a waiting list”, footnote 52 applies to this statement and is relevant to Catholic schools.</p>
Brexit – Paragraph 2.9	This paragraph has been removed as rights of entry and conditions of entry are now set out on .gov.uk which has been updated to take account of Brexit.	<p>School admissions: applications for overseas children - GOV.UK (www.gov.uk)</p> <p>Admission authorities should review the guidance linked to above. Schools cannot ask for details of a family’s immigration status when they are applying for a place for their children. Any child resident in the country can access a school.</p>
Co-ordination of late applications – Paragraph 2.22	Confirmation that local authorities are required to co-ordinate late applications as	This is already included in the CES model admission arrangements.

	well as applications for the normal admissions round.	
Looked after children appeals – Paragraph 2.32	Clarification that looked after children need not go through the appeals process when they have been refused a school place. Direction powers can be engaged as soon as a place has been refused.	Admission authorities should review footnote 63.

Summer Born Children

The department for education also updated its guidance for summer born children on 27 May 2021. A link to the revised guidance is below:

[Summer-born children: school admission - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/summer-born-children-school-admission)

There are no specific changes that admission authorities need to be aware of, but the update does include a statement from the Secretary of State and a link to a 2020 research report in relation to delayed school admissions for summer born children which admission authorities may find of interest. The CES model admission arrangements include appropriate wording in relation to summer born children.

Catholic Education Service

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