



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 \(www.gov.uk\)](http://www.gov.uk)

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 a particular date about 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>There is currently some general wording in the CES model admission arrangements in relation to in-year applications. The CES will review and amend this general wording accordingly, but admission authorities will also need to think about their own internal processes.</p>
	Requiring decisions on in-year applications to be made within 15 school days.	Admission authorities should review paragraph 2.30.

		<p>Admission authorities should aim to notify parents of the outcome of an in-year application within 10 school days with the maximum timescale 15 school days. The CES will amend the general wording in the model admission arrangements to include these timescales as this is part of the compliance requirements set out in Paragraph 2.26.</p> <p>Admission authorities are also required to notify the local authority of 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>
	Requiring admission authorities to provide information on availability of school places to local authorities whenever this is requested to assist parents when 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 process of how the FAP should work, including requiring	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 can

	that placement decisions need to be made within 20 school days of a child being referred to the FAP.	be delegated to an individual for the purposes of placing children under the FAP.
	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.	
	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.	
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.	<p>This change will require a variation to admission arrangements.</p> <p>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</p>

		<p>outside of England and ceased to be in state care as a result of being adopted”.</p> <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. Admission authorities should also review footnote 16 for some clarification as to when a child will be regarded as having been in state care outside of England.</p> <p>If admission authorities are using CES model admission arrangements a variation will be required to note 2, (the definition of looked after and previously looked after children), as this definition will now need to include those children who have been looked after outside of England. The necessary change is likely to read as follows:</p> <p>“A ‘looked after child’ has the same meaning as in section 22(1) of the Children Act 1989, and means any child who is (a) in the case of a local authority or (b) being provided with accommodation by them in the exercise of their social services</p>
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		<p>with Paragraph 3.6 of the code. 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.</p> <p>Where admission authorities are using non CES model admission arrangements they will need to review their arrangements and amend them accordingly.</p> <p>Paragraph 3.7 of the code requires certain bodies to be notified of variations and we are currently seeking advice from the Department for Education as to their expectations in relation to this requirement on the basis that the same changes are being made by all admission authorities.</p> <p>Admission authorities should also review Paragraph 2.5 in relation to requesting evidence of state care.</p>
	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. Admissions committee members should review Paragraph 2.21.
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.</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 CES 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.	Admission authorities should review footnote 20.
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>Where distance or nodal points are used it is important that admission authorities review paragraph 1.13.</p> <p>In particular, it is stated in this paragraph that admission authorities must set out clearly how distance from home to the school and/or any nodal points will be measured. This includes a requirement to make it clear how the home address will be determined.</p> <p>For admission authorities using CES model admission arrangements, the requirement to state how the home address will be determined is clearly dealt with in paragraph 12 which confirms that the home address will be the address provided on the Common Application Form.</p> <p>Paragraph 1.13 also provides that the selection of a nodal point must be clearly explained and made on reasonable grounds. We would recommend a review of nodal points by admission authorities so that a record of the reasonable grounds being relied upon can be made. Admission authorities will need to appreciate that these reasonable grounds could be subject to challenge and</p>

		therefore they should scrutinise such decisions accordingly.
Selective schools – Paragraph 1.17	Confirmation that it is the responsibility of selective schools’ admission authorities to publish their entry requirements and that these must be set out in their admission arrangements.	
Banding tests – Paragraph 1.32(c)	Confirmation that admission authorities are not required to inform parents of the outcome of banding tests (as opposed to other forms of selection text) before the closing date for school applications.	Admission authorities should review footnote 29.
Children of staff – Paragraphs 1.39 and 1.40	Clarification of how admission authorities may apply oversubscription criteria prioritising children of staff at the school and what detail they should include in their admission arrangements.	<p>If staff priority is included in oversubscription criteria this will need to be reviewed to ensure that it is code compliant. The CES model admission arrangements do not include priority for children of staff.</p> <p>The CES has raised a query with the Department for Education as to the interpretation of Paragraph 1.40 and further advice will be issued in this regard once a response has been received.</p>
Definition of a boarding place – Paragraph 1.43	Clarification of the definition.	
Determination of admission arrangements – Paragraph 1.49	Clarification of meaning.	Admission authorities should review footnote 32 which provides 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.	
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.	<p>Additional wording has been added to make it clear that admission authorities must keep a clear record of any decisions 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.	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 under Catholic children in oversubscription criteria. Admission authorities should review footnote 52.

		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.
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.	School admissions: applications for overseas children - GOV.UK (www.gov.uk) 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.
Co-ordination of late applications – Paragraph 2.22	Confirmation that local authorities are required to co-ordinate late applications as well as applications for the normal admissions round.	This is already included in the CES model admission arrangements.
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

June 2021