



Department  
for Education

# **Changes to the School Admissions Code**

**Government consultation response**

**October 2014**

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## Introduction

The purpose of the School Admissions Code (the Code) is to ensure that school places for all maintained schools<sup>1</sup> and academies are allocated and offered in an open and fair way. Admission authorities for maintained schools and academies must comply with the provisions of the Code.

The government has proposed specific, limited revisions to the current School Admissions Code, which came into force in February 2012. These changes are designed to improve the fair and open allocation of places and support fair access for the most disadvantaged children, and to provide additional clarity to certain provisions of the Code.

On 22 July 2014, we launched a 10-week public consultation on the proposed changes. The consultation closed on 29 September. We received 444 written responses to the consultation, and held discussions with interested groups. We also discussed the proposed changes with our admissions stakeholder group, which includes representatives from key sector bodies (including local authorities, school representative organisations, and faith representatives). The summary of responses to the consultation and what we intend to do is set out below. A list of organisations which responded to the consultation can be found at Annex A.

The proposals were broadly welcomed as providing improvements and clarity to the current system of school admissions. We therefore intend to proceed with the proposed revisions to the current School Admissions Code, as set out in the consultation document, with some minor technical clarifications in the drafting of the Code in light of responses to the consultation. Other concerns raised in the consultation will be addressed through clarifying existing advice on admissions issues and, where necessary, providing additional advice for admission authorities.

We will review and evaluate the impact of the proposals once they have come into effect and ahead of any future revision of the Code.

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<sup>1</sup> Excluding maintained special schools.

## Summary of responses received and the government's response

Responses to the consultation were broadly in favour of the proposed changes to the School Admissions Code, whilst raising a small number of concerns and seeking additional clarification on certain elements of the proposals. In particular:

- many respondents welcomed the principle of supporting the most disadvantaged children, whilst emphasising that other local children should not be disproportionately affected. Some respondents also raised administrative queries about how these proposals might operate in practice;
- there was strong support for the changes to the admissions timetable, including the deadline for compliance with the adjudicator, which were seen as bringing clarity to the process and reducing delays;
- respondents gave a range of views on the changes around the admission of summer born children, with some urging caution that we should not go further than the changes proposed in the consultation, whilst others supported more substantive changes;
- there was strong support for the minor technical drafting changes, which were seen as bringing helpful clarity to existing provisions.

## Priority for children eligible for the pupil or service premium

This change will allow all schools to have the freedom to give admission priority for all children attracting the pupil premium, the early years pupil premium and the service premium. Academies and free schools currently have the option to adopt such a priority, through the terms of their funding agreement. This change is part of the government's policy to support fair access, and will provide all schools who wish to use it with a practical means to support the most disadvantaged in society.

Many respondents were in agreement with the principle of this change, but some expressed concerns that schools would be required to adopt it, or that it would lead to large numbers of other children being unable to access their local school.

As stated in the consultation document, there will be no requirement for admission authorities to include such a priority in their admission arrangements. This will be an **option** open to schools, who may adopt it if they wish. We are clear that admission authorities can use this priority flexibly and do not have to give admission priority to every pupil premium recipient. For example:

- they could choose to adopt the pupil premium priority for a proportion of their places, to mirror local pupil premium levels;

- they can use it to give priority with reference to other oversubscription criteria, such as limiting it to pupil premium children living within the school's catchment area.

We will provide admission authorities with additional advice on how they might implement this priority in response to the queries raised through consultation.

Any admission authority intending to adopt such a priority would have to ensure it was drawn up appropriately in the local context, and should be adopted only following a local consultation, in line with the requirements of the Code, to allow local views to be taken into account.

This should ensure that admission authorities take into account the wider impact of any changes to their policy, and that places remain available for other local children.

## **Priority for nursery children eligible for the early years pupil premium, pupil or service premium**

This change will allow admission authorities of primary schools which have a nursery to give priority in their admission arrangements to disadvantaged children who attend the nursery. This will allow schools with a nursery to provide continuity of education for those children most in need of such support and stability, whilst providing an implicit limit on the proportion of children who can be prioritised, so that reception places remain available for other local parents who may have been unable or unwilling to send their child to the nursery.

Whilst many respondents welcomed the principle of giving admission priority and continuity of education to the most disadvantaged children, some respondents did raise a number of administrative issues in relation to the proposal, in particular around how the priority might work in practice.

As with the pupil premium proposal, there will be **no requirement for an admission authority to adopt this priority**, and any that choose to may do so flexibly and in a manner which is appropriate to their local circumstances. Similarly, any admission authority intending to adopt the priority would have to consult locally to ensure that any local concerns can be raised.

We have amended the wording of the relevant provisions of the Code to provide further clarity, and will provide additional advice to admission authorities on how they might operate the priority in practice.

## **Changes to the admissions timetable**

These changes will benefit parents by ensuring that a greater proportion are able to apply for school places on the basis of lawful admission arrangements by:

- ensuring unlawful admission arrangements are changed more quickly, by introducing a two-month rolling deadline for compliance with a determination of the Schools Adjudicator; and
- ensuring the Schools Adjudicator can begin to consider objections earlier, by bringing forward the deadline for objections to the Adjudicator.

To do this, we need to make further adjustments to related elements of the admissions timetable. Specifically, we are altering the prescribed period within which admission authorities may consult on their admission arrangements and the minimum length of consultation; and bringing forward a number of deadlines relating to the determination and publication of admission arrangements.

Respondents were generally very positive about these changes, which they felt would bring increased clarity to the process and would reduce delays in unlawful admission arrangements being amended to comply with the Code.

In response to the consultation we have amended the drafting regarding the rolling deadline to make clear that there can be some flexibility at the Adjudicator's discretion, in cases where they feel it would be appropriate for an admission authority to take longer than two months to comply. For example, where it would be appropriate for the admission authority to consult locally before introducing the necessary change (e.g. where compliance would require a new catchment area to be drawn up), it may be felt in certain cases that this could not be done within the deadline.

A minority of respondents felt that the proposed changes to deadlines in the timetable might place additional pressure on admission authorities. However, the timetable changes will not come into effect until the 2015-16 school year and we believe this will ensure there is sufficient time for admission authorities to prepare for the changes.

## **Admission of summer born children**

These changes will clarify the provisions around the admission of summer born children outside of their normal age group, in order to aid decision making for admission authorities and provide greater transparency for parents.

We received a range of responses to these proposals. Many parents who responded supported the changes, but wanted us to go further. For example, some felt that all summer born children should have an automatic right to a place in the lower year group so that they start in reception when they reach compulsory school age, where this is what

their parents believe best meets their needs. Many admission authorities who responded favoured retaining the status quo, and cautioned against making further changes. Many of these respondents emphasised the importance of decisions being made on a case-by-case basis in recognition of the individual circumstances of the child, and of professional evidence to support decision making. Some local authorities expressed wider concerns that a large number of children being admitted outside of their normal age group would make ensuring there are sufficient reception places for all children more difficult. The changes we are making balance these differing viewpoints, building on the guidance published last year. We have made some minor amendments to the provisions in response to the consultation to provide added clarity, and will consider whether it would be helpful to update the existing guidance.

## **Other technical drafting changes**

We have also made a number of other technical drafting changes to provide additional clarity to existing provisions of the Code.

Most respondents strongly supported these changes as being sensible clarifications to the current drafting which will reduce confusion and make the Code easier to understand. The exception to this was the drafting of the provision around in-year admissions, which some respondents noted was open to misinterpretation and could potentially undermine many existing arrangements which are in place locally. We have therefore revised the drafting of this provision to make it clear that the provision applies except where other agreed arrangements are in place locally.

A number of respondents also suggested other policy and drafting changes which fell outside of the scope of the consultation. We have logged these other suggested changes for further consideration as part of any future revisions to the Code.

## Next steps

We will lay the revised Code before Parliament in October 2014, and – subject to approval – it will come into force in December 2014. We will also lay the accompanying School Admission regulations which give effect to the some of the changes to the admissions timetable.

In addition, we will:

- provide additional advice to admission authorities regarding the changes, where necessary, to support them as the Code comes into force;
- review our existing guidance to ensure it is fit-for-purpose in respect of the revised Code.

We will review and evaluate the impact of the proposals once they have come into effect and ahead of any future revision of the Code.



## **Annex A: List of organisations that responded to the consultation**

- Adderley Church of England School
- Al Furqan Educational Trust
- Alderman Swindell Infant School
- Altrincham Grammar School for Girls
- Archbishop Tenison's CE High School
- Army Families Federation
- Bedford Borough Council
- Birmingham LA
- Bishop Wordsworth's School
- Blackburn Diocesan Board of Education
- Blackpool Council
- Bliss
- Borough of Poole Council
- Bournemouth Borough Council
- Bracknell Forest Council
- Brent Council
- Buckinghamshire County Council
- Cardinal Newman Catholic School and Community College
- Catholic Education Service
- Cheshire East Council
- Childhood Bereavement Network
- City of London Academy (Southwark)
- City of London Corporation
- City of York Council
- Clayton-le-Moors All Saints' CE Primary School
- Colman Infant School
- Colyton Grammar School
- Comprehensive Future

- Compton All Saints Primary
- Connecting Tracks Project
- Cornwall Council
- Coventry City Council
- Croydon Council
- Cumbria County Council
- Darlington Borough Council
- Dartford Grammar School
- Derbyshire County Council
- Devon County Council
- Diocese of Northampton
- Directorate Children and Young People
- Dorset County Council Children's Services
- Early Education
- East Riding of Yorkshire Council
- Eden Primary
- Ellergreen Nursery School
- Essex County Council
- Fair Admissions Campaign
- Grammar School Heads' Association
- Guildford Diocese
- Hackney Learning Trust
- Hamilton Primary School
- Hampshire County Council
- Herefordshire Council
- Hertfordshire County Council
- Hertsmere Jewish Primary School
- Hinstock Primary School
- Hodnet Primary School
- Holyport College
- Independent Schools Council

- Information for School and College Governors
- Islington Local Authority
- JG Consultancy Service - Admissions Consultants
- Kendrick School
- Kent County Council
- Kidzone
- King Edward VI Handsworth School
- Kirklees Council
- Ladygrove Park Primary School
- Lancashire County Council
- Lancaster Royal Grammar School
- Leeds City Council
- Leicestershire County Council
- Lincolnshire County Council
- London Borough of Barking & Dagenham
- London Borough of Hammersmith and Fulham
- London Borough of Hounslow
- London Borough of Lewisham
- London Borough of Redbridge
- London Borough Waltham Forest
- London Boroughs of Sutton and Merton
- London Inter Authority Admisson Group (LIAAG)
- Longwell Green Primary School
- Margaret McMillan Nursery School
- Market Drayton Infants
- Market Drayton Junior School
- Marlborough Primary School
- Medway Council
- Mereside CE primary
- Milton Keynes Council
- MJPS

- NAHT
- NASAC
- NASUWT
- National Association of Orthodox Jewish Schools
- National Day Nurseries Association
- National Governors' Association
- Newcastle City Council
- North East Lincolnshire Local Authority
- North Lincolnshire Admissions Working Group
- North Somerset Council
- North Yorkshire County Council
- Northamptonshire County Council
- Northumberland County Council
- Nottingham City Council
- Nottingham Trent University
- Nottinghamshire County Council
- Office of Schools Adjudicator
- Office of the Children's Commissioner
- Old Church Nursery School and Pre-School
- Oxfordshire County Council
- Parmiter's School
- Pates Grammar School
- Plymouth City Council
- Portsmouth & Winchester Diocesan Board of Education
- Portsmouth City Council
- Prees CE Primary School and Nursery, with PIPS
- Pre-school Learning Alliance
- Professional Association for Childcare and Early Years
- Queen Elizabeth's Grammar School
- Rachel Keeling Nursery School
- Radbrook Primary School

- Reading Borough Council
- Riverview Junior School
- Robinswood Academy Trust
- Rogate CE Primary School
- Rosary Catholic Primary School
- Rotherham Borough Council
- Roundhay School
- Rugby High School
- Rutland Learning and Skills
- Salford City Council
- Sheffield City Council
- Shropshire Council
- Skipton Girls' High School
- Somerset Local Authority
- South Gloucestershire Council
- South West Admissions & Appeals Group
- St Andrew's Primary
- St Anthony's School
- St Joseph's Catholic Primary School
- St Mary & St John C.E.V.A. Primary School
- St Mary's CE Primary School
- St Marys Shawbury
- St. Gregory's Academy
- St. Nicholas C of E School
- Staffordshire County Council
- State Boarding Schools' Association
- Stepping Stones Nursery School
- Stone King LLP
- Suffolk County Council
- Surrey County Council
- Surrey Secondary Heads' Phase Council

- Sutton Trust
- Tameside MBC
- The Blue Coat School
- The Board of Deputies of British Jews
- The Early Years Centre
- The Judd School
- The National Society
- The Royal Borough of Kensington and Chelsea
- The Southwark Diocesan Board of Education
- Thurrock Council
- Tomlinscote School and Sixth Form College
- Tonbridge Grammar School
- Tower Hamlets Education
- Trafford Council
- United Synagogue
- University of Cambridge
- Voice: the union for education professionals
- Wakefield Council
- Wandsworth Borough Council
- West Berkshire Council
- West Sussex County Council
- Westminster City Council
- Wirral Council
- Wokingham Borough Council
- Wolverhampton City Council
- Woodfield Nursery School
- Worcestershire County Council
- Worth Primary School



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