



Department
for Education

Changes to the School Admissions Code

**Consultation summary and government
response**

May 2021

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Introduction

The School Admissions Code 2014 (the Code) ensures that school places for maintained schools and academies (excluding maintained special schools and special academies¹) are allocated fairly. Admission authorities for maintained schools and academies must comply with the Code.

The government has proposed some changes to the Code which aim to improve support for the in-year admission of vulnerable children and help reduce to a minimum any gaps in their education. These changes are in response to the recommendations made in the [Children in Need Review](#) and the Domestic Abuse White Paper. We consulted on:

- Introducing a dedicated section in the Code which sets out a clear process for managing in-year admissions, including:
 - Introducing timescales for different stages of the application;
 - Requiring local authorities and admission authorities to provide information on the in-year application process;
 - Making the in-year process easier for parents to navigate.
- Changes to improve the effectiveness of Fair Access Protocols by:
 - Making the purpose of Fair Access Protocols clearer;
 - Introducing timescales for placement decisions;
 - Ensuring Fair Access Protocols are only used to support the most vulnerable children;
 - Clarifying the provisions relating to the use of Fair Access Protocols for children with challenging behaviour.
- Amending references to previously looked after children in the Code to include children who have been in state care outside of England and have ceased to be in care as a result of being adopted, and children who were adopted (or subject to child arrangement orders or special guardianship orders) immediately following having been looked after in England.
- Providing clarification on which address to use for admission of service or crown servant children.
- Some minor drafting changes to improve clarity.

¹ A maintained special school is a school maintained by the local authority which is specifically organised to make special educational provision for pupils with special educational needs. A special academy is an Academy including a free school which meets the criteria set out in Section 1A(2) of the Academies Act 2010. A special academy may be subject to the Code and other relevant admissions law (as they apply to maintained schools) through its funding agreement in relation to any child or young person with SEN it admits without an Education, Health and Care (EHC) Plan.

We considered the consultation responses received and have made a small number of changes. Responses that did not answer the consultation questions have not been included in the analysis.

Consultation Summary

We consulted on the proposed changes from 26 June to 16 October 2020. We invited a variety of stakeholders to respond to the consultation. These included all English local authorities, all schools and multi-academy trusts as well as other interested parties, such as faith and charitable organisations.

Due to the Covid-19 outbreak, we adapted our consultation process. We extended the consultation period from 12 to 16 weeks and held virtual meetings with stakeholders. **Annex A** is a list of those we met. We received 1,547 written responses and a list of which organisations responded can be found at **Annex B**.

Summary of Responses

A total of 270 responses were from organisations. Of these, 118 were from local authorities and 73 from schools and academy trusts. 1,277 responses were from individuals. 1,160 of these were the result of a campaign that criticised the ability of schools with a designated religious character to prioritise children based on their religion or belief and supported the introduction of a secular school system.

All responses that answered at least one question or provided comments on the proposals were considered. This summary is not an exhaustive record of all the points made, and the absence of a particular issue does not indicate that it has been ignored or is less important.

Some respondents provided comments that cannot be easily categorised within our multiple-choice numerical analysis. These have been recorded as '*not answered*', but the information was taken into consideration. A numerical data summary of responses can be found at **Annex C**.

Main Findings from the Consultation

There was broad support for most of our proposals, in particular for the introduction of mandatory deadlines for both in-year applications and Fair Access Protocols (FAPs) that improve the process for all children who need a school place in-year.

The majority of respondents welcomed the changes to how FAPs operate. This includes changing the point at which a child's application may be referred for consideration, and limiting the number of children that are eligible to be considered for placement via the FAP.

Respondents were particularly supportive of the proposal to include a dedicated section in the Code on in-year admissions. They stated that the lack of information in the current Code often causes confusion and delays for families trying to secure a school place quickly.

Particular concerns were raised about validating the eligibility of children who have been adopted from state care outside of England and who we propose to put on an equal footing with domestically looked after and previously looked after children. We have worked with stakeholders to produce non-statutory guidance to support admission authorities in implementing this change.

The majority of respondents supported the inclusion of a definition of challenging behaviour for the purposes of admissions although some respondents raised concerns about the proposed wording.

Analysis of Consultation Responses

In this document we have grouped the analysis of consultation and government responses in the same way the sections appeared in the consultation document. For clarity, the consultation question numbers are in brackets next to the relevant heading.

Please note, where consultees have provided a response that gives wider feedback rather than addressing the specific question, this is logged in the numerical data analysis as '*not answered*'.

The numerical data summary can be found at **Annex C**.

Section 1: In-year admissions (1.1 – 1.7)

1.1 *Do you think the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date will be helpful for parents?*

1.4 *Do you agree with the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date?*

82% of respondents agreed with the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date. 87% of respondents said this would be helpful for parents. 4% either did not agree or did not know whether it would be helpful.

9% of respondents either disagreed with or were not sure about the requirement for this information to be published by a specified date of 31 August. The reasons given included the fact that it is too close to the start of term and during a school holiday. Other respondents asked for clarity as to whether the information would need to be published by 31 August in the previous year (meaning the year in which the admission arrangements for the relevant year group are agreed).

Government response

We have made some small changes to provide greater clarity. For the school year 2021/22 (because the new Code will come into force on 1 September 2021), local authorities must publish information on how in-year applications can be made and how they will be processed by 31 October 2021. In all subsequent years, local authorities and admission authorities must publish this information on their website by 31 August. We are also aware from the consultation that some admission authorities include information about their in-year admission arrangements as part of the arrangements for the main admissions round.

1.2 Do you agree the requirement for admission authorities to provide information on the availability of school places is helpful?

1.3 Do you agree the timescales for admission authorities to provide information on the availability of school places are reasonable?

84% of respondents agreed that the requirement for admission authorities to provide information on the availability of school places was helpful. 74% of respondents thought that it was reasonable for this information to be provided within two school days following a request. 10% of respondents did not agree that two school days was reasonable. Some respondents cited concerns about pressures on administrative staff, but others felt strongly that this information should always be readily available.

Government response

Our objective is to support parents to secure a school place for their child as soon as possible. Ensuring that information about available school places is provided quickly should lead to families making more informed choices when considering which schools to apply to.

Whilst we recognise some admission authorities and local authorities already have the IT infrastructure which provides live information on availability of school places, we know this is not something all authorities would be able to introduce. Because the two-day deadline is the maximum period for this information to be made available, we do not think a change is needed.

1.5 Do you agree the requirement to notify parents of the outcome of their in-year application in writing within 10 school days is useful?

1.6 Do you agree the timescale to notify parents of the outcome of their in-year application in writing within 10 school days is reasonable?

75% of respondents thought that introducing a requirement for admission authorities to notify parents of the outcome of their in-year application within a mandatory timescale was useful. 60% supported the 10-school day requirement but 81 respondents (21%) did not believe this was reasonable. Of the 81 respondents that did not agree with the proposed 10 school days, some thought it was too long, others thought it should be reduced and some considered it too short.

Government response

We have considered the concerns raised and amended the proposed Code so that parents **must** be notified of the outcome of their in-year application in writing within 15 school days; but in all circumstances admission authorities **should** aim to do so in 10 school days. This will allow some flexibility whilst maintaining the expectation that parents should be notified of the outcome of their application quickly.

1.7 Please provide any further feedback or comments you wish to make on the outlined proposals around in-year admissions.

Concerns were raised about the lack of specific deadlines for own admission authority schools to notify the local authority of both the admission application and its outcome.

Government response

There is an existing requirement for own admission authority schools to inform the local authority of in-year applications and the outcome of those applications. This enables local authorities to keep up to date figures on the availability of school places, take any necessary safeguarding action for a child who is without a school place and ensure unplaced children are secured a school place quickly. We have added some new wording to make clear that notification should take place as soon as reasonably practicable and within two school days where possible.

Section 2: Fair Access Protocols (2.1 – 2.7)

2.1 Do you agree with the proposals to prescribe how Fair Access Protocols are triggered?

The proposed change to the Code means that a child would only be eligible to be placed via the Fair Access Protocol (FAP) where they have not been able to secure a school place in-year and they fall into one of the specified FAP categories.

There was overwhelming support for this proposal with only 8% of respondents not agreeing with it.

Government response

We believe that most children should be able to secure a school place through the normal in-year admissions process. This proposal allows for the FAP to be used as intended – providing a mechanism to secure a school place in-year for the most vulnerable children.

2.2 Do you agree with the proposed changes to the list of children eligible for the Fair Access Protocol?

71% of respondents agreed with the proposed categories of children eligible to be placed via the FAP. Of the 11% of respondents that did not agree, 8 disagreed because they felt local authorities should be able to continue to tailor their FAP depending on local circumstances. A further 17 suggested adding specific additional criteria.

Government response

As set out in the consultation document, we know that FAPs do not always work effectively for the vulnerable children they are intended to serve. In particular, some FAPs are used as the default way to process all in-year admissions. Having a larger number of children referred to the FAP means the process takes longer and is more resource intensive. The FAP panel should be able to focus on those vulnerable children that cannot secure a school place through the usual in-year process.

Our proposals allow for prompt decisions, ensuring that the children for whom the FAP is intended to support are placed in school quickly. We are therefore proceeding with proposals that no longer allow additional categories to be added to the FAP list.

We have considered the specific additional eligibility criteria suggested by respondents and as a result have made some changes to the FAP eligibility list. Please see a detailed explanation of these categories below.

Children in kinship care

A number of respondents highlighted concerns for children who are in formal kinship care arrangements. These children are unable to live with their birth parents and are raised by family members or friends. The recent [cross-government Parliamentary Taskforce on Kinship Care](#) stated that analysis shows there are more than 180,000 children across the UK who are being raised by a relative. Whilst some of these children will have been looked after in the care system at some point, a large number will be cared for by a kinship carer. Whilst this will have many advantages for the child's wellbeing, it is also recognised that the support afforded to parents and carers of a child who has been previously looked after is not always available to this group of carers.

We recognise the important role that family and friends play in caring for children who are unable to live with their parents. With this in mind, we have decided to include those children in formal kinship care arrangements (as evidenced by either a child arrangement order not relating to either birth parent or a special guardianship order) as a category within the FAP. This ensures carers can access support in securing an in-year school place for their child where they are unable to do so via the normal in-year process.

Children who are homeless

The draft Code we consulted on removed children who are homeless as an eligible category for the FAP, and some respondents asked why we had made this change. Although we still consider them to be vulnerable, we believed they would either be included as eligible under the category of a child with a Child in Need Plan, or considered to be a looked after child.

Through the consultation, it came to our attention that whilst these two groups would include most homeless children, there was a possibility that a number of children placed in temporary accommodation would not be included where they did not have a Child in Need Plan. We have therefore re-inserted a standalone category for children who are homeless.

Children moving from refuge or safe/relevant accommodation into housing

The draft Code we consulted on included children living in a refuge or in other 'safe accommodation' as an eligible category for the FAP. There was wide support for this. Some respondents suggested including those children moving from refuge or 'safe accommodation' into either temporary or permanent housing.

The Domestic Abuse Bill currently going through Parliament intends to place a duty on Tier 1 Local Authorities in England to provide support to victims of domestic abuse and their children within refuges and other 'relevant accommodation'. For consistency, the Code will now also use the term 'relevant accommodation'. For the purposes of the Code this is defined as 'A safe place to stay for victims and their children fleeing domestic abuse. This can include, but is not limited to, refuges, specialist safe accommodation, sanctuary schemes and second stage accommodation'. With this in mind, we do not believe it necessary to include children moving from refuge or safe/relevant accommodation into housing as a separate category for the FAP.

Previously Looked After Children

In most cases, using the FAP to place a previously looked after child should be unnecessary as there are other ways of ensuring these children secure a school place. For academies, the Secretary of State can direct a school to admit either a looked after or previously looked after child. For maintained schools, the local authority and Schools Adjudicator have powers to direct a school to admit a child where the child has been permanently excluded or refused admission to each school within a reasonable distance from the child's home. Because there is a higher threshold for directions to maintained

schools, and following discussions with the Chief Adjudicator, we have decided to include previously looked after children as a category for placement via the FAP, but only when the local authority has been unable to promptly secure a school place.

Children who have been subject to a Child in Need Plan or Child Protection Plan in the previous year

Children with a Child in Need Plan or Child Protection Plan have safeguarding and welfare needs. Children who have needed a social worker are also more likely than their peers to need a school place outside of the normal admissions round and often experience difficulties securing a new school place². The draft Code we consulted on therefore included children on a Child in Need Plan or Child Protection Plan as an eligible category for the FAP.

Respondents were supportive of this change, but some raised concerns about children who may have recently had social care intervention but are not on a Child in Need Plan or Child Protection Plan at the point of referral. We have therefore extended the categories of children who may be admitted via the FAP to include children who have been on a Child in Need or Child Protection Plan in the past year.

2.3 For Fair Access Protocols to be effective, it is important that all admission authorities participate in the process properly. We have indicated what we mean by participation. Do you consider our definition of participation to be useful?

78% of respondents agreed our definition of participation was useful. A minority disagreed because of the interaction with paragraph 2.7 of the Code which states that for own admission authority schools, admission decisions cannot be made by one individual. This would affect the ability of an individual to participate in the FAP process.

Many respondents raised concerns over how to ensure all schools participate in the FAP.

Government response

We have clarified that, for the sole purpose of participating in the FAP, the governing body or academy trust may delegate admission decisions to an individual, such as the head teacher.

We do not plan to make any changes on FAP participation. The Code is clear that participation in the FAP is a mandatory requirement. To not participate or to reject the FAP decisions is a breach of the Code.

² Review of children in need, 2019, [Review of children in need - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

2.4 *Currently admission authorities are able to refuse admission on the basis of challenging behaviour. However, we are aware that the current provision in the Code relating to this can sometimes be misused. We have attempted to clarify how and when admission authorities may rely on this provision. Do you consider our clarification to be helpful?*

60% of respondents agreed that the clarification is helpful. 19% of respondents were neutral, with some saying that the proposed wording did not provide enough detail for a consistent approach. 12% of respondents thought our proposed wording was unhelpful.

A small number of respondents (3%) questioned how an admission authority could decide that a child may display challenging behaviour at the point of admission. This is because paragraph 1.9g of the current Code does not permit admission authorities to take account of reports from previous schools about a child's past behaviour, attendance, attitude or achievement.

Government response

Given the majority of respondents have agreed with our proposal, we have not made any changes to the clarification which sets out that a child can only be refused on the grounds of challenging behaviour under certain circumstances.

We understand there is confusion about the interaction between paragraphs 1.9g and 3.9 of the current Code³. While only 3% of respondents formally commented on this within the consultation, it has been an area where clarification has been sought previously.

Paragraph 1.9g sets out that admission authorities must not take account of reports from previous schools on past behaviour, attendance, attitude or achievement. The Code does not prohibit admission authorities from seeking such information, but it does prohibit any of the information received being taken into account as part of the decision to admit a child or rank admission applications. We have clarified in the Code that this provision does not apply where an admission authority has good reason to believe that the child displays challenging behaviour, and the school already has a particularly high proportion of children that either display challenging behaviour or have previously been permanently excluded.

2.5 *Do you agree with our proposed approach to the definition of challenging behaviour?*

55% of respondents either agreed or strongly agreed with our approach to defining challenging behaviour for the purpose of admissions. A further 23% were neutral and some raised concerns about how the definition would be applied consistently.

³ Paragraph 3.10 of the proposed 2021 Code, subject to Parliamentary approval.

3% of respondents felt that the information defining challenging behaviour (and associated case law) was too important to be contained within a footnote, and it should instead feature in the main body of the Code.

13% of respondents did not agree with our approach to the definition of challenging behaviour. The most common reasons were that behaviour which is challenging is often due to unmet social/emotional/mental health needs; that the proposed definition is too high a threshold; that the definition is not prescriptive enough; or there were questions as to whether a child's behaviour had to meet every part of the definition to be considered challenging.

Government response

The current Code does not define what should be considered as challenging behaviour for the purpose of admission to school. There has always been a high threshold for refusing admission when a place is available as the test set out in the legislation is whether admissions would prejudice the efficient provision of education or use of resources as set out in the legislation. The intention of the proposed definition was to introduce a clear threshold for admission authorities.

Some respondents suggested the decision to refuse admission on the basis of challenging behaviour should be fully evidenced by quantifiable data such as the number of fixed period suspensions or attendance of under 70%. This would be incompatible with admissions law under the School Standards and Framework Act 1998 and equalities legislation.

Many respondents requested further clarity on the definition to make it easier for admission authorities to understand what they should consider to be challenging behaviour for the purposes of refusing admission. We have therefore amended the proposed definition.

We propose to keep the information on challenging behaviour in the main body of the Code as concise and relevant to all readers as possible, whilst the footnotes provide the supplementary detail for those who are dealing with specific admissions issues and need additional detail or context.

2.6 *The purpose of Fair Access Protocols is to ensure children are placed in school as soon as possible. As such, we propose to require that children referred to the Fair Access Protocol be placed in school within 20 school days. Do you agree that this proposal and timescale is helpful?*

70% of respondents agreed that this proposal, both the requirement and 20 school day timescale, would be helpful.

13% of respondents did not agree with the proposals, but opinions were varied with some stating that 20 school days was too long and others saying it was not long enough.

Government response

Our intention is for any child eligible for placement via the FAP to secure a school place as quickly as possible. We know that making the arrangements for FAP panels cannot always be done immediately. Therefore, we have decided to retain the proposal that children referred to the FAP should be allocated a school place within 20 school days.

Section 3: Children who have been adopted from state care outside of England (3.1 – 3.2)

3.1 *Children who were previously in state care outside of England will, for the purposes of admission to school, be treated on an equal footing to those children looked after and previously looked after by a local authority in England. Do you envisage any problems with this change? If so, can you suggest how we might overcome them?*

46% of respondents did not envisage any problems making the change to ensure children who were previously in state care outside of England are treated on an equal footing for admission purposes to those children looked after and previously looked after by a local authority in England. Of the 42% of respondents that do envisage problems making this change, 84 had concerns about how a child's status would be evidenced, how state care might be defined in other countries, or possible fraudulent applications.

Government response

We plan to publish non-statutory guidance to support admission authorities to make admission decisions for these children. The guidance will make clear that the admission authority will be responsible for determining whether a child fits the definition of having been previously in state care outside of England. It will also set out what we expect admission authorities to take account of when considering eligibility and will recommend that admission authorities consult with their Virtual School Head (VSH). This should help ensure consistency and fairness.

Section 4: Admission of service children and children of crown servants (4.1 – 4.2)

4.1 *Please provide any comments you have on the proposal to enable admission authorities to 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 service family or family of a crown servant moving into the area.*

Most respondents welcomed further clarity and consistency on the provisions relating to service and crown servant children. Some respondents raised concerns about admission authorities and local authorities that refuse to process applications before families

relocate. Others thought that former service personnel, or those who are transitioning out of service, should be included in the service children provisions.

Government response

We have amended the wording in paragraph 2.18 of the 2014 Code⁴ to emphasise that admission authorities must not refuse to process an application solely because the family do not yet have an intended address.

The intention of the current Code is to remove any disadvantage that arises when service personnel are posted to a new location. This is because they usually have no choice over where they will be stationed. Transitioning out of service is different as families will have some choice about where they will live and so the rationale for this provision does not apply. Although we do not offer the same support for transitioning service personnel, the improvements we are making to the wider in-year admissions process will support these families to secure a school place quickly.

We also plan to work with the Ministry of Defence to produce non-statutory admissions guidance for all service personnel which will support families through the school admissions process.

4.2 Do you have any concerns around admission authorities being required to accept evidence of proof of address which is available in advance of a service or crown servant family moving into the area?

73% of respondents did not have concerns with admission authorities being required to accept evidence of proof of address in advance of a service or crown servant family moving into the area. Of the 13% that did express concerns with the proposal, 26 questioned what level of proof would be considered sufficient to ensure school places are allocated fairly.

Government response

We do not want to make the Code prescriptive by setting out exactly what evidence should be made available. It is for individual admission authorities to act reasonably and to consider the circumstances of each case. This issue will also be covered in more detail in the new admissions guidance for service families, so they know what to expect when applying for a school place.

⁴ Paragraph 2.21 of the proposed 2021 Code, subject to Parliamentary approval.

Section 5: Minor policy and technical drafting changes

5.1 *The purpose of the minor policy and technical drafting changes, as set out in Annex A, is mainly to improve clarity, with a few amendments to policy.*

132 respondents provided comments in response to the proposed minor policy and technical drafting changes. Many of these comments either related to elements of the Code that we were not seeking views on, or stated that the respondent had no further comments. Many of the comments received were supportive, with suggestions for additional clarity.

Proposal number 1 was to clarify a school's published admission number (PAN). This received the most comments with some respondents saying it was helpful whilst others felt the change was unnecessary.

Proposal number 16 also received comments. This proposal was to include a footnote that set out our expectations that a looked after child should not need to go through the admission appeals process, as there is a separate direction process for their admission if they have been refused a school place. Comments were mostly concerned about the amount of time the direction process for academies can take to complete.

Government response

The legislation is clear that a school's PAN only applies to the relevant year of entry, so usually the reception class or Year 7. The proposed change makes clear that an admission authority can decide to admit over their PAN, for example to accommodate a bulge year, but the basis on which they set their PAN must be fair and reasonable.

For year groups other than reception and year 7 there is often disagreement on when a particular year group has places available. This was raised during the consultation. Admissions law is clear that where a school has available places and admitting a child would not prejudice the efficient provision of education or use of resources, the child must be admitted. The same principle applies to in-year applications whereby decisions are made on the basis of whether the efficient provision of education and use of resources would be prejudiced if the child was admitted.

The process to direct an academy to admit a child is continually reviewed. The Education and Skills Funding Agency (ESFA) processes academy direction cases on behalf of the Secretary of State. The ESFA now routinely seeks advice from the Office of the Schools Adjudicator to help them process cases without delay so that children are back in education as soon as possible.

Where a previously looked after child has been unable to secure a place promptly through the usual in-year process, referring the child to the FAP is likely to be the quickest and most appropriate way of securing a school place. This is why we have added previously looked after children to the list of eligible children for the FAP.

Section 6: Impact assessments (6.1 – 6.3)

6.1 *Do you agree that the proposed Code changes will not have a negative impact on any children with one or more protected characteristics?*

We received 1,160 responses as part of a campaign lobbying for a secular school system and the removal of faith-based admissions. Not including these campaign responses, a minority of respondents (12%) did not agree that the proposed Code changes **would not** have a negative impact on children with one or more protected characteristics. The most frequently raised concerns were about religion/belief, disability and race.

14% of respondents did not answer this question but some did provide additional feedback on the effect the proposed changes in the Code may have on children with one or more of the protected characteristics. These comments have been considered.

Government response

The Public Sector Equality Duty places a legal obligation to consider how our policy impacts on individuals who are protected under the Equality Act 2010. This duty has been complied with in coming to decisions about implementing a new School Admissions Code.

The 1,160 campaign responses we received all commented on the ability of schools with a designated religious character to admit children on the grounds of their **religion or belief**. A large number of these raised concerns about faith schools who choose to prioritise children of the faith over looked after and previously looked after children not of the faith.

The Government remains committed in its support for church and other faith schools. They have played a longstanding and important role in our education system and are more likely to be rated Good or Outstanding by Ofsted than non-faith schools.

While faith schools are allowed to give priority to children of their faith, it is for the admission authority of those individual faith schools to decide whether or not to adopt these arrangements. Some choose to prioritise only a certain proportion of their places with reference to faith. Many do not use faith-based oversubscription criteria at all.

Where respondents thought Code changes could have a negative impact on children with the protected characteristic of **disability**, this was mostly in relation to the proposed definition of challenging behaviour. We have clarified in the Code that admission authorities should consider the effect of the decision of the [Upper Tribunal in C & C v The Governing Body of a School, The Secretary of State for Education \(First Interested Party\) and The National Autistic Society \(Second Interested Party\) \(SEN\) \[2018\] UKUT 269 \(AAC\)](#) about the implications of the Equality Act 2010 when a pupil exhibits a tendency to physical abuse of other persons as a consequence of a disability.

The proposed changes to the FAP eligibility criteria, along with the proposed definition of challenging behaviour generated a number of comments where respondents believed that the proposed Code changes would have a negative impact on children with the protected characteristic of **race**.

The statutory guidance on permanent exclusions and suspensions is clear that all schools should consider what extra support might be needed to identify and address the needs of children from groups with disproportionately high rates of permanent exclusions. We are also doing further work to explore why some groups of children are at higher risk of being permanently excluded and what we can do to reduce that risk further.

6.2 Do you believe the proposed Code will result in any new costs for local authorities?

38% of respondents believed the proposed changes to the Code would result in new costs for local authorities. The main reasons respondents gave were around additional staffing requirements to meet the proposed deadlines for in-year and FAPs. They also claimed they would need further investment in their capital and IT resources.

Government response

Many of the responses citing increases to workload stated that they would need to recruit additional staff to comply with new deadlines, and particularly at busy times of the admission year. We recognise that some periods will be busier than others and so we decided to amend the in-year admission deadline from 10 school days (as consulted upon) to 15 school days. We hope this change will alleviate the resourcing concerns raised by admission authorities.

We are committed to ensuring that unplaced children have access to the support they need to secure a school place quickly and reduce any gaps in their education. We believe the changes to the in-year admissions process, alongside the extra clarity related to challenging behaviour, will lead to fewer children being referred to the FAP. This will in turn mean that FAP meetings can focus on smaller numbers of children and those with the greatest need for support.

We will continue to work closely with local authorities through our National Admissions Group and regional groups to review implementation and share best practice.

6.3 Do you believe the proposed Code will result in any savings for local authorities?

71% of respondents did not envisage any savings being made in light of the proposed changes to the Code.

10% of respondents thought savings were possible over the longer term. Examples of savings included reduced requirements for intervention from mental health, welfare or

safeguarding teams or being able to find a suitable mainstream school setting for a child rather than relying on available alternative provision. Some respondents mentioned savings related to the cost of admission appeal hearings and complaints handling.

Government response

These changes need to be embedded into system before assessing whether there is scope to make wider efficiency savings in the longer term. We plan to monitor and review the implementation of all the proposed Code changes.

Next Steps

Admissions law is set out in primary and secondary legislation. It is reflected in the statutory School Admissions Code and School Admissions Appeals Code, which also carry the force of secondary legislation. Consequently, there is a statutory process to make any changes to the Code. This consultation formed part of that process.

Following a small number of post-consultation amendments, we will lay the revised Code before Parliament and – subject to approval – it will come into force 1 September 2021.

Annex A: Virtual meetings held to discuss proposed Code changes.

Please note, where a respondent or organisation has requested to remain private, we have respected their wishes and omitted them from this list.

- Army Families Federation
- Astrea Academy Trust
- Barnsley Metropolitan Borough Council
- Birmingham City Council
- Bracknell Forest Council
- Bradford Council
- Brent Council
- Calderdale Council
- Catholic Education Service
- Church of England Education
- City of Wolverhampton Council
- City of York Council
- Coventry City Council
- Cumbria County Council
- Derbyshire County Council
- Diocese of Leeds
- Diocese of St Albans
- Diocese of York
- Doncaster Council
- Dudley Council
- Durham County Council
- East Midlands Education Trust
- East Riding of Yorkshire Council
- East Sussex County Council
- Enfield Council
- Essex County Council
- Grammar Schools Heads Association
- Hampshire County Council
- Hanson Secondary School
- Harris Federation
- Harrow Council
- Hartlepool Borough Council
- Hertfordshire County Council
- Kent County Council
- Kirklees Council
- Leeds City Council
- Leeds Virtual School
- Lewisham Council
- Lewisham Virtual School
- Local Government and Social Care Ombudsman
- London Borough of Richmond upon Thames Council
- London Grid for Learning
- Metropolitan Borough of Solihull Council
- National Association of Fostering Providers
- National Governance Association
- The Naval Families Federation
- North East Lincolnshire Council
- North Lincolnshire Council
- North Yorkshire County Council
- Northamptonshire County Council
- Northumberland County Council
- Nottinghamshire County Council
- Office of the Schools Adjudicator
- Olympus Academy Trust
- Oxfordshire County Council
- Pele Trust
- Portsmouth City Council
- RAF Families Federation
- Reading Borough Council
- Redcar and Cleveland Borough Council
- Rotherham Metropolitan Borough Council
- Royal Borough of Greenwich Council

- Royal Borough of Kensington and Chelsea Council
- Safe Lives
- Sandwell Council
- Sheffield City Council
- Shropshire Council
- Southampton City Council
- Staffordshire County Council
- Staffordshire Virtual School
- Stockton-on-Tees Borough Council
- Stoke on Trent Council
- Suffolk County Council
- Surrey County Council
- Sutton Council
- Wakefield Council
- Walsall Council
- Warwickshire County Council
- West Berkshire Council
- Women's Aid

Annex B: List of organisations that responded to the consultation.

Please note, where a respondent or organisation has requested to remain private, we have respected their wishes and omitted them from this list.

- Advisory Council for the Education of Romanies and other Travellers (ACERT)
- Achieving for Children
- Achieving for Children Virtual School
- The Adolescent and Children's Trust (TACT)
- Adoption UK
- Alcester Grammar School
- Alsop High School
- Amberleigh Care
- Aquila, The Diocese of Canterbury Academies Trust
- Ark Schools
- Army Families Federation
- Association of Directors of Children's Services (ADCS)
- Association of Educational Psychologists
- Association of School and College Leaders (ASCL)
- Astrea Academy Trust
- Bacon Garth Primary School
- Barnardos
- Barnsley Metropolitan Borough Council
- Bath and North East Somerset Council
- BCP Council
- Birkdale High School
- Birmingham City Council
- Bishop Hogarth Catholic Education Trust
- Blackburn Diocesan Board of Education
- Blackburn with Darwen Borough Council
- Blackpool Council
- Bowker Consulting Ltd.
- Bracknell Forest Council
- Bracknell Parent Carer Forum
- Bradford Council
- Brent Council
- Bridge Learning Campus
- Brighton and Hove City Council
- Brine Leas School
- Buckinghamshire Council
- Cambridgeshire and Peterborough Combined Authorities
- The Cardinal Vaughan Memorial School
- Cathedral Schools Trust
- Catholic Education Service
- Central Bedfordshire Council
- Centre for Studies on Inclusive Education (CSIE)
- Cheshire East Council
- Chiltern Learning Trust
- Chrysalis Consortium
- Church of England Education Office
- City of Wolverhampton Council
- City of York Council
- Clifton Diocese
- Clitheroe Royal Grammar School
- Colne Valley High School
- Compass Community IFA
- Comprehensive Future
- Consortium of Voluntary Adoption Agencies
- Cornwall Council

- Coventry City Council
- Coventry Diocesan Board of Education
- The Cranmer Education Trust
- Crew Trident
- Crossley Fields Junior and Infant School
- Cumbria County Council
- Darlington Borough Council
- Derby City Council
- Derbyshire County Council
- Devon County Council
- Diocese of St Albans
- Diocese of St Edmundsbury and Ipswich
- Dixons Academies Trust
- Doncaster Council
- Dr Challoner's Grammar School
- Dudley Metropolitan Borough Council
- Dunraven Educational Trust
- Durham County Council
- East Riding of Yorkshire Council
- East Sussex County Council
- Education Appeal DotCom
- Enfield Council
- Equality and Human Rights Commission
- Essex County Council
- Excelsior UK Consulting Ltd.
- Exeter Diocesan Board of Education
- Family Rights Group
- Fylde Coast Academies Trust
- Gateshead Council
- Gloucestershire Local Authority
- Grandparents Plus
- Guildford Diocese
- Hackney Education
- Halton Council
- Hampshire County Council
- Hanson Secondary School
- Harestock Primary
- Harris Federation
- Harrow Council
- Hartlepool Council
- Heartlands High School
- The Henrietta Barnett School
- The Henry Beaufort School
- Herefordshire Council
- Hertfordshire County Council
- Hestia
- Hillingdon Council
- Hitherfield Primary School
- Honley High School
- Hounslow School
- Hull City Council
- Humanists UK
- IAC – The Centre for Adoption
- Intercountry Adoption Centre
- Islington Council
- Kent County Council
- King Edward VI Academy Trust Birmingham
- The King's (The Cathedral) School
- Kingsthorpe College
- Kinship Care Alliance
- Kirklees Council
- Knowsley Metropolitan Borough Council
- Lampton School Trustees
- Lancasterian Primary School
- Leeds City Council
- Lees Brook Community School
- Leicester City Council
- Leicestershire County Council
- Lewisham Council
- Lincoln Christ's Hospital School
- Lincolnshire County Council
- Local Government and Social Care Ombudsman
- Local Government Association

- London Borough of Hammersmith and Fulham
- London Borough of Hounslow
- London Borough of Newham
- London Diocesan Board for Schools
- London Inter-Authority Admissions Group/London Grid for Learning
- Luton Borough Council
- Manchester City Council
- Manningtree High School
- Manston Primary
- Marylebone Boys' School
- Medway Council
- Merton Council
- Merton Virtual School
- Metropolitan Borough of Solihull Council
- Middlesbrough Council
- Milton Keynes Council
- MyEd Limited
- Nahamu Limited
- National Association of Head Teachers (NAHT)
- National Association of School Appeals
- National Autistic Society
- National Governance Association
- National Network of Parent Carer Forums
- National Secular Society
- The Naval Families Federation
- Newcastle City Council
- Norfolk Country Council
- North East Lincolnshire Council
- North Lincolnshire Council
- North Somerset Council
- North Tyneside Council
- North Yorkshire County Council
- Northamptonshire Country Council
- Northumberland County Council
- Nottingham City Council
- Nottinghamshire County Council
- Ofsted
- Oxfordshire County Council
- ParentKind
- Parents and Children Together (PACT)
- Pele Trust
- Peterborough Diocese Education Trust
- Plymouth City Council
- Portsmouth Council
- Pott Shrigley Church School
- Prospect
- The Quinta Primary School
- RAF Families Federation
- Reading Borough Council/Brighter Futures for Children
- Red Kite Learning Trust
- Redcar and Cleveland Borough Council
- The Romsey School
- Rotherham Borough Council
- Royal Alexandra and Albert School
- Royal Borough of Greenwich Council
- Royal Borough of Kensington and Chelsea Council
- Royal Borough of Windsor and Maidenhead Council
- The Royal British Legion
- Royal College of Occupational Therapists
- Rutland County Council
- Rye Hills Academy
- SafeLives
- Salford City Council
- Sandwell Metropolitan Borough Council
- Scremerston First School

- Sefton Council
- Service Children in State Schools (SCISS)
- Severn Vale School
- Sheffield City Council
- Shropshire Council
- Snowflake School
- Somerset County Council
- SOS Special Educational Needs and SEND Community Alliance
- South Gloucestershire Council
- South Tyneside Council
- Southampton Council
- Southampton Virtual School and College
- Southend Borough Council
- Southwark Council
- Southwark Diocesan Board of Education
- Special Educational Consortium
- St Alban's Catholic High School
- St Dubricius C of E First School
- St Helens Council
- St Joseph's Catholic College
- St Mary Redcliffe and Temple School
- St Richard Reynolds Catholic College
- St Richard's Catholic College
- Staffordshire County Council
- Staunton on Wye Primary School
- Steiner Academy Hereford
- Stockport Council
- Stockton-on-Tees Borough Council
- Stoke-on-Trent City Council
- Stowting School
- Suffolk County Council
- Summer Born Campaign
- Supportive Parents
- Surrey Council
- Sutton Council
- Sutton Virtual School
- Swindon Borough Council
- Tameside Council
- Telford and Wrekin Council
- Thurrock Council
- Tiddlywinks Nursery Ltd.
- Tonbridge Grammar School
- Tower Hamlets Council
- The Traveller Movement
- Trinity School
- UK SAYS NO MORE
- University Academy Keighley
- Uplands Primary School and Nursery
- Venerable Bede CE Academy
- Wakefield Council
- Walkwood Church of England Middle School
- Walsall Council
- Waltham Forest Virtual School
- Wandsworth Virtual School
- Warwickshire County Council
- West Sussex County Council
- West Country Schools Trust
- Westfield Primary School
- Wigan Council
- William Howard School
- Wiltshire Council
- Woking High School
- Wolfson Hillel School
- Wolverhampton Girls' High
- Women's Aid
- Worcestershire County Council
- Youth Justice Board

Annex C: Numerical data summary of responses per question

Please note, where consultees have provided a response where they have not answered the specific questions set out below but provide wider feedback this will be logged in the numerical data analysis as '*not answered*', however please be assured all comments were taken in account.

Additionally, the 1,160 responses we received as part of a campaign have not been included within these tables as these responses did not answer any of the questions raised in the consultation.

Data has been rounded to the nearest whole percentage. This may result in totals not coming to 100%.

Section 1: In-year admissions

1.1 Do you think the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date will be helpful for parents?	Total	Percent
Yes	337	87%
No	8	2%
Don't know	9	2%
<i>Not answered</i>	33	9%

1.2 Do you agree the requirement for admission authorities to provide information on the availability of school places is helpful?	Total	Percent
Yes	327	84%
No	12	3%
Don't know	15	4%
<i>Not answered</i>	33	9%

1.3 Do you agree the timescales for admission authorities to provide information on the availability of school places are reasonable?	Total	Percent
Yes	285	74%
No	37	10%
Don't know	29	7%
<i>Not answered</i>	36	9%

1.4 Do you agree with the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date?	Total	Percent
Yes	319	82%
No	11	3%
Don't know	24	6%
<i>Not answered</i>	33	9%

1.5 Do you agree the requirement to notify parents of the outcome of their in-year application in writing within 10 school days is useful?	Total	Percent
Yes	290	75%
No	47	12%
Don't know	13	3%
<i>Not answered</i>	37	10%

1.6 Do you agree the timescale to notify parents of the outcome of their in-year application in writing within 10 school days is reasonable?	Total	Percent
Yes	233	60%
No	81	21%
Don't know	36	9%
<i>Not answered</i>	37	10%

Section 2: Fair Access Protocols

2.1 Do you agree with the proposals to prescribe how Fair Access Protocols are triggered?	Total	Percent
Strongly agree	102	26%
Agree	168	43%
Neutral	49	13%
Disagree	20	5%
Strongly disagree	12	3%
<i>Not answered</i>	36	9%

2.2 Do you agree with the proposed changes to the list of children eligible for the Fair Access Protocol?	Total	Percent
Yes	276	71%
No	44	11%
Don't know	33	9%
<i>Not answered</i>	34	9%

2.3 For Fair Access Protocols to be effective, it is important that all admission authorities participate in the process properly. We have indicated what we mean by participation. Do you consider our definition of participation to be useful?	Total	Percent
Strongly agree	130	34%
Agree	171	44%
Neutral	38	10%
Disagree	9	2%
Strongly disagree	3	1%
<i>Not answered</i>	36	9%

2.4 Currently admission authorities are able to refuse admission on the basis of challenging behaviour. However, we are aware that the current provision in the Code relating to this can sometimes be misused. We have attempted to clarify how and when admission authorities may rely on this provision. Do you consider our clarification to be helpful?	Total	Percent
Strongly agree	69	18%
Agree	164	42%
Neutral	74	19%
Disagree	30	8%
Strongly disagree	14	4%
<i>Not answered</i>	36	9%

2.5 Do you agree with our proposed approach to the definition of challenging behaviour?	Total	Percent
Strongly agree	57	15%
Agree	155	40%
Neutral	90	23%
Disagree	34	9%
Strongly disagree	14	4%
<i>Not answered</i>	37	10%

2.6 The purpose of Fair Access Protocols is to ensure children are placed in school as soon as possible. As such, we propose to require children referred to the Fair Access Protocol to be placed in school within 20 school days. Do you agree that this proposal and timescale is helpful?	Total	Percent
Yes	270	70%
No	50	13%
Don't know	32	8%
<i>Not answered</i>	35	9%

Section 3: Children who have been adopted from state care outside of England.

3.1 Children who were previously in state care outside of England will, for the purposes of admission to school, be treated on an equal footing to those children looked after and previously looked after by a local authority in England. Do you envisage any problems with this change?	Total	Percent
Yes	164	42%
No	178	46%
<i>Not answered</i>	45	12%

Section 4: The admission of service children and children of crown servants

4.2 Do you have any concerns around admission authorities being required to accept evidence of proof of address which is available in advance of a service or crown servant family moving into the area?	Total	Percent
Yes	52	13%
No	283	73%
<i>Not answered</i>	52	13%

Section 5: Minor policy and technical drafting changes

5.1 The purpose of the minor policy and technical drafting changes, as set out in Annex A, is mainly to improve clarity, with a few amendments to policy. Please provide any comments you have on the proposed minor policy and technical drafting changes.	Comments received
To make clear in paragraphs 1.4 and 1.5 of the current Code that the published admission number (PAN) does not apply to year groups which are not the normal years of entry, and admission authorities can admit over the original admission number set for any given year group.	35
To clarify in the footnote of paragraph 1.9(d) in the current Code that as well as designated grammar schools, school sixth forms may also select by ability by setting academic entry requirements.	0
To clarify what constitutes a parent providing 'practical support' to a school in paragraph 1.9(e) of the current Code.	3

To make explicit in paragraph 1.13 of the current Code that nodal points are permitted and include a definition in the glossary of what they are and how they should be set.	3
To clarify paragraph 1.17 of the current Code to make clear 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.	1
To amend the footnote to paragraph 1.32 of the current Code so that admission authorities are not required to inform parents of the outcome of banding tests (as opposed to other forms of selection test) before the closing date for school applications.	4
To clarify in paragraph 1.39 of the current Code how admission authorities may apply oversubscription criteria prioritising children of staff at the school, and what detail they should include in their admission arrangements.	9
To clarify the definition of a boarding place within the footnote of paragraph 1.40 of the current Code (paragraph 1.43 of the proposed Code).	0
To clarify what is meant by determination of admission arrangements in paragraph 1.46 of the current Code (paragraph 1.49 of the proposed Code).	2
To clarify in paragraph 1.47 of the current Code the deadline for admission authorities to publish their determined admission arrangements (paragraph 1.50 of the proposed Code).	1
In paragraph 1.51 of the current Code, require local authorities to update their composite prospectus and website where a new academy or free school opens during the offer year (paragraph 1.54 of the proposed Code).	3
To make clear in paragraph 2.4 of the current Code that admission authorities cannot solely prioritise applications on the basis that parents complete the supplementary information form.	6
To clarify in paragraph 2.14 of the current Code 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.	7
To remove paragraph 2.19 in the current Code, as the rights of entry to the UK and conditions of entry are set out on GOV.UK, which will be updated accordingly to take account of Brexit.	6
To clarify in both paragraph 2.20 of the current Code (paragraph 2.21 of the proposed Code) and in the glossary that local authorities are required to co-ordinate late applications as well as applications for the normal admissions round.	12
To clarify in paragraph 2.24 of the current Code that looked after children need not go through the appeals process when they have (paragraph 2.31	4

of the proposed Code) been refused a school place, as this can add further delay. Rather, direction powers can be engaged as soon as a place has been refused.	
To include a note in the Appendix outlining that admission authorities may need to take into account exceptional circumstances due to case law	3
Throughout the Code, clarify what is meant by 'normal admissions round', 'late application', and 'in-year application'.	4
To clarify in the glossary that the Office of the Schools Adjudicator has jurisdiction to consider and investigate determined admission arrangements, rather than published admission arrangements.	2
Throughout the Code, update references to dates and timelines where appropriate.	0

Section 6: Impact assessments

6.1 Do you agree that the proposed Code changes will not have a negative impact on any children with one or more protected characteristics?

	Total	Percent
Yes	287	74%
No	48	12%
<i>Not answered</i>	53	14%

6.2 Do you believe the proposed Code will result in any new costs for local authorities?

	Total	Percent
Yes	148	38%
No	167	43%
<i>Not answered</i>	73	19%

6.3 Do you believe the proposed Code will result in any savings for local authorities?

	Total	Percent
Yes	39	10%
No	276	71%
<i>Not answered</i>	73	19%



Department
for Education

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