

# Request to direct admission of a child to an academy – looked-after and previously looked-after children

When placing a looked-after or previously looked-after child, we would expect the local authority to apply the principles set out in paragraphs 3.26 and 3.27of the School Admissions Code 2021 (the Code). This means:

* the local authority may request a direction for an academy which is full (including a school whose infant classes are already at the maximum size)
* The local authority should consult the academy and allow 7 days for the academy to respond to the request to admit the child before requesting a direction from the Secretary of State
* The local authority should inform the governing body and head teacher if it submits a request to the Secretary of State to direct admission
* academies should respond to the local authority within 7 days and must only refuse if they consider that admitting the child would seriously prejudice the provision of efficient education or efficient use of resources
* local authorities must not choose a school from which the child is permanently excluded

## The direction process

We would expect the local authority to aim to secure a school place quickly and for the admissions authorities to cooperate with this. The local authorities and academy should work together to reach an agreement and ensure successful admission of the child.

A Secretary of State’s direction should only be used if both parties cannot come to an agreement. It is not necessary for the child to have been considered by a fair access protocol in order for the local authority to make a request for direction.

Where the local authority and academy cannot agree:

* the local authority and the academy must document the case for and against admission
* the local authority must provide evidence that the academy has been consulted setting out the academy’s reasons for refusal and the local authority’s response

When we are asked to consider the direction of a looked-after or previously looked-after child, we will decide on the basis of the information provided, taking into account:

* the arguments of the academy and local authority
* whether the local authority has considered the arguments for refusal and why it still considers the academy to be the appropriate provision for the child
* whether the academy has demonstrated that the admission would cause significant prejudice to the provision of efficient education or efficient use of resources

We can seek advice from the Schools Adjudicator in reaching its decision. This is set out at paragraph 3.29 of the School Admissions Code and Section 25 of the School Standards and Framework Act 1998. The Office of the Schools Adjudicator (OSA) may contact the local authority and the academy regarding this referral.

ESFA’s decision is final and binding.

## Requestion a direction

The local authority should complete this form and submit it using the [ESFA online enquiry form](https://form.education.gov.uk/service/Education_and_Skills_Funding_Agency__ESFA__enquiry_form). Please select “Some other academy related query” and put “Request for a Secretary of State direction” at the start of your query.

## Background of child named in the proposed direction

|  |  |
| --- | --- |
| Full name |  |
| Address |  |
| Date of birth (DD/MM/YYYY): | Click or tap to enter a date. |
| Academy to which the direction is being sought |  |
| Year group for which a place is required |  |
| Local authority looking after the child (if relevant) |  |
| Details of child’s current care placement |  |

## Please indicate which of the following best describes the child’s circumstances

|  |  |
| --- | --- |
| Looked-after child. |  |
| Adopted from care. |  |
| Child arrangements order from care.  |  |
| Special guardianship order from care.  |  |

## Details of the child’s circumstances

|  |  |
| --- | --- |
| Details of any alternative education currently being received as arranged by the local authority and including details of when this provision commenced. If no such provision is made, please state the reasons and detail what had been offered. |  |
| Names of schools the child has been permanently excluded from (if applicable) – details including dates of all permanent exclusions, reasons and the name of the schools. |  |
| Name of previous school – please provide details of each school the child has attended from the start of the relevant phase of education (i.e. Year Reception class for a primary child and Year 7 for a secondary child) – please provide reasons for leaving in each case.  |  |
| Address of previous school. |  |
| Length of time out of education (include relevant dates). |  |
| Personal information relevant to a school placement.  |  |
| Family circumstances relevant to a school placement.  |  |
| Any assessment to identify child’s special educational needs; and/or details of child’s behaviour, medical record, any involvement with other agencies such as social services and the police.  |  |
| Details of the child’s educational attainment. |  |

## Consultation with the child and parent/guardian

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| --- | --- |
| Has a place been sought using the fair access protocol? |  |
| Please provide details on the provision of the Schools Admissions Code that has been applied. |  |

## Process followed

|  |  |
| --- | --- |
| Please confirm that the academy has been consulted and attach evidence of consultation including relevant correspondence. |  |

## Local authority’s case for choosing the school named in the direction request

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| --- | --- |
| Please provide a summary of the consultation.  |  |
| The reasons why the academy is considered the appropriate placement. |  |
| The reasons the academy have given for refusing admission.  |  |
| The local authority’s response to the academy’s reasons for refusal. |  |
| If applicable, what re-integration package has been offered to the child/school? |  |
| Other information the local authority considers to be relevant. |  |

## Your details

|  |  |
| --- | --- |
| Name: |  |
| Position: |  |
| Local authority: |  |
| Email address: |  |
| Telephone number: |  |
| Are you the primary contact for this application?  | Yes/No |
| Further local authority contact: |  |