

# 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 3.27 of the School Admissions Code 2021 (“the Code”). This means:

* the local authority may request a direction for an academy even when it is full (including a school whose infant classes are already at the maximum size)
* the local authority must 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
* 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 local authority should inform the academy trust and head teacher for the school if it submits a request to the Secretary of State to direct admission.

If your request is for a child (other than a previously looked after child) to be admitted to an academy following the fair access protocol you should use the form ‘[Request to direct admission of a child to an academy following fair access protocol](https://www.gov.uk/government/publications/academy-admission-request-form)’. For a previously looked after child who has been considered by the fair access protocol, please complete this form including section 4 below.

## The direction process

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

A Secretary of State direction should only be used if both parties cannot come to an agreement. It is not necessary for a looked after or previously looked after 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

The DfE will notify the academy when a request is received.

Where the request is for 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 serious prejudice of efficient education or efficient use of resources.

The DfE can seek advice from the Schools Adjudicator in reaching a 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.

The DfE will make a decision on the basis of the information provided and meetings will not ordinarily be arranged with the local authority/academy. Any delay to providing your completed form and the additional information listed in [Annex A](#_Annex_A_–) (as applicable) may create unnecessary delay to your request being considered and the DfE returning a decision.

**DfE’s decision is final and binding.**

## How to request a direction

The local authority should complete this form and submit it and any supporting documentation in [Annex A](#_Annex_A_–) using the [DfE Customer Help Portal](https://customerhelpportal.education.gov.uk/).

By submitting this form, the local authority is confirming that they have informed the person/body with parental responsibility and parent/carer/child as appropriate that the personal data is being shared with DfE and potentially the Schools Adjudicator as part of this request.

## Details about the child to be named in proposed direction

|  |  |
| --- | --- |
| 1. **Full name** |  |
| 1. **Address (including postcode)** |  |
| 1. **Date of birth (DD/MM/YYYY)** |  |
| 1. **Year group for which a place is required** |  |
| 1. **Name of academy to which the direction is being sought** |  |
| 1. **Local authority looking after the child (if relevant)** |  |
| 1. **Details of child’s current care placement (if relevant)** |  |

## Details about child’s circumstances (*indicate which of the following best describes their circumstances*)

|  |  |
| --- | --- |
| **Looked after child** |  |
| **Adopted from care** *(includes where a child has been adopted from state care outside of England***)** |  |
| **Child arrangements order from care** |  |
| **Special guardianship order from care** |  |

## Background information about the child

|  |  |
| --- | --- |
| 1. **If the child is primary school age, list the name(s) and address(es) of all schools attended since reception year**   **If the child is secondary school age, please list the name(s) and address(es) or all schools attended since Year 7**  *Include reasons for leaving in each case* |  |
| 1. **Length of time child has been out of education (include relevant dates)** |  |
| 1. **Details about any permanent exclusions – include name of school(s), date(s****) and reason(s) (if applicable)**   *Please ensure the additional information requested in* [*Annex A*](#_Annex_A_–) *is provided alongside this form* |  |
| 1. **Family circumstances relevant to a school placement** |  |
| 1. **Details about any assessment to identify child’s special educational needs and/or child’s behaviour, medical record, any involvement with other agencies such as social services and police (if applicable)**   *Please ensure the additional information requested in* [*Annex A*](#_Annex_A_–) *is provided alongside this form* |  |
| 1. **Details of the child’s educational attainment** |  |
| 1. **Details about any alternative education currently being received as arranged by the local authority and including any details about when this provision started – include further detail about what course(s) the child is undertaking, location, how many hours and days per week and curriculum (if applicable)** |  |

## Use of Fair Access Protocol (*only relevant for a previously looked after child who has been considered by the fair access protocol*)

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| --- | --- |
| 1. **Under which category listed under 3.17 of the School Admissions Code was this child considered eligible to be placed by the fair access protocol**   *Please ensure the additional information requested in* [*Annex A*](#_Annex_A_–) *is provided alongside this form* |  |

## Local authority’s case for choosing the school named in the direction request and consultation with that academy

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| --- | --- |
| 1. **Summarise your consultation with the academy prior to the direction being sought** |  |
| 1. **Explain why the academy is considered the appropriate placement for the child** |  |
| 1. **Summarise the academy’s response, including the reasons for refusal** |  |
| 1. **Summarise the local authority’s response explaining why the local authority disagrees with the academy’s reason for refusal** |  |
| 1. **What reintegration package has been offered to the child/academy? (if applicable)** |  |
| 1. **Is there any other information which the local authority considers relevant?** |  |

## Your details

|  |  |
| --- | --- |
| **Name** |  |
| **Position** |  |
| **Local authority** |  |
| **Email address** |  |
| **Telephone number** |  |
| **Primary contact for this request** |  |
| **Additional local authority contact** |  |

| Legal notice  Information on the Department’s use of personal information is available at: [Personal information charter - Department for Education - GOV.UK (www.gov.uk)](https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter) |
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## Annex A – Checklist for providing supporting information with your request for a direction

The DfE will make a decision on the basis of the information provided and meetings will not ordinarily be arranged with the local authority/academy. In addition to your completed form please provide the following information, where applicable. Any delay to providing your completed form and the additional information listed below (as applicable) may create unnecessary delay to your request being considered and the DfE returning a decision.

**Please tick the applicable boxes to confirm where you have provided the supplementary information with your form:**

**Background information about the child:**

Child’s care plan

Child’s child in need plan

Child’s Personal Education Plan

Copies of any specialist reports (for example educational psychologists and relevant medical professionals)

Full documentation relating to any permanent exclusion, including:

Governing board/trust ratifying exclusion

Details of any appeals against permanent exclusion

Any assessment made prior to exclusion such as:

Educational psychologist report

Records of incidents prior to exclusion

Full information on the needs of the child

**Fair access protocol details** (only relevant for a previously looked after child who has been considered by the fair access protocol):

Copy of the local fair access protocol

Minutes of the meeting(s) where this child was discussed

A record of the panel’s decision

A list of schools represented at the meeting

**Consultation with the academy**

Supporting information detailing the full consultation with the academy asking it to admit the child, including:

Copies of correspondence between the local authority and the academy

Evidence that the trust has been informed of the intention to request a direction

Notes of any relevant meetings

Other (please specify)

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**Other supporting information which would be useful includes:**

Chronology of all relevant events of case from point at which local authority became aware of child up to request for a direction

**Any further communication with:**

Previous schools

**Any further information which the local authority thinks will support their request (please specify)**

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