

Admissions Advice – September 2022

The following guidance has been prepared to help governors review their policies prior to consulting on them or determining them for 2024/25.

Requirements of the 2021 School Admissions Code

The revised code came into force on 1 September 2021 and all maintained schools and academies must comply with it. There are two main areas that all admission arrangements must include.

1. All schools must include IAPLAC children in their first oversubscription category.
2. All policies must be amended to comply with the 2021 code; admission authorities need to ensure that their 2024/25 policy has this as the first oversubscription criteria. Please note that this first criterion cannot include any other category of children.

A suggested form of wording would be:

Children who are in public care (looked after children LAC) or those who were previously looked after (PLAC), including those who appear (to the admissions authority) to have been in state care outside of England, but have ceased to be so because they were adopted or became subject to a child arrangement order or special guardianship order.

It would be helpful to add to your note on LAC the following:

By children previously in state care outside of England, we mean children who have been looked after outside of England by a public authority, a religious organisation, or another provider of care whose sole purpose is to benefit society. The care may have been provided in orphanages or other settings. Where Governors are unsure about the validity of the application, advice will be sought from the Local Authority's "Virtual School Head"

In-Year admissions arrangements

The code requires own admissions authorities to determine whether they will manage their own in-year admissions arrangements, or if this will be coordinated by the LA. Schools are now required to inform the LA of their decision by 1 August. Whilst schools can ask their LA to manage in-year admissions, there is no requirement in the code for LAs to offer this, please check with your LA if they do offer to manage in-year admissions.

If governors decide to manage their own arrangements, their policy must set out clearly how an application is to be made and how the governors will process it. They will also have to make available an application form for this purpose (where appropriate this could be modelled on the LA form).

If schools do manage their own in-year admissions, they must let the LA know of any application received and of the outcome of the application.

General issues

Please use the attached checklist to help you ensure that your policy is fully compliant with the code and that it contains all the key elements.

The policy should be clear and easy to understand. It should all be contained in one document rather than requiring parents to access other documents.

It must be published on the school website by 15 March of the year in which it was determined. At this point the policies for 22/23 and 23/24 must be available on the website. Earlier policies should be removed as they are no longer applicable.

Check that the policy is easily accessible on the website. It can be difficult if parents have to hunt for the policy. Ideally a tab on the home page with the heading of admissions is really the most helpful solution.

Schools must have regard to Derby DBE guidance

The code requires that schools must have regard to any guidance set by the diocese. For the sake of clarity Derby diocese states that:

Church of England schools in the diocese should not set faith-based or church attendance as a criterion. Admitting authorities should have regard to this advice when setting their policies.

In **exceptional** circumstances and only with the prior consent of the DBE, a governing body may use faith-based criteria. In which case the DBE makes the following recommendations:

1. Faith-based criteria must be easy to understand
2. The only definition used should be attendance at church
3. Governing bodies may define churches and ecclesial communities as those that are in membership of any local Churches Together Group. However, there are many new worshipping communities that each church school may know and have a relationship within its area and so Governing Boards may wish to broaden this definition or name specific local Christian communities
4. Admission authorities should define "regular attendance" in consultation with the local churches. In most cases, regular attendance can be defined as attending on a fortnightly basis over two years prior to the closing date for applications.
5. Schools may wish to provide a simple form for the church leader to sign (Supplementary Information Form). Using letters from clergy to verify attendance is not recommended as they may not be precise enough in addressing the criteria and could be challenged at appeal.

Consultation for admissions authorities NOT consulting

If you do not wish to make changes to your admissions criteria, and do not need to consult due to the 7 year rule, then we ask that your admissions arrangements are sent to the DBE by *30 November 2022* at the latest. Please email them to OfficeDBE@derby.anglican.org

The policy must then be determined by the governing body no later than *28 February 2023*. A minute of this formal determination should be taken at the relevant governing body meeting

Consultation for admissions authorities that ARE consulting

Church of England schools must consult with Derby DBE prior to public consultation. Please email your proposals to OfficeDBE@derby.anglican.org by *30 September 2022* at the latest. Your proposals will be responded to by 15 October 2022.

Public consultation must then take place for a six week period concluded by *31 January 2023*. The DBE must be included as a consultee. Please email your draft policy to OfficeDBE@derby.anglican.org

The Governing body must approve your policy once the consultation process has been completed. The policy must then be determined by the Governing body no later than *28 February 2023*. A minute of this formal determination should be taken at the relevant Governing body meeting

Other points to note

Variation for church attendance during closures

Please note that if a variant on attendance at worship during the Covid closures is included in your policy, this cannot be removed without consultation.

PAN

The PAN only applies to the main admissions year for the school i.e. Reception for Primary and Infant schools, Y3 for Junior schools and Y7 for Secondary schools. An 'admissions number' or 'admission limit' has no legal status for any other year groups. The only other statutory factor is the infant class size limit of 30 to one qualified teacher, this includes mixed age infant classes in schools where the PAN is less than 30. Schools tend to operate based on 30 per class being the optimum number in any year group and may refuse places once that number has been reached. However, in terms of appeals, the class is only full if the admission of an additional child would prejudice the efficient education of the class or use of resources. Governors must demonstrate that this is the case when defending a decision to refuse a place.

Statement of Special Educational Needs

All references to statements of Special Educational Needs should be removed from policies. They have now been replaced with Education, Health and Care Plans (EHCP). Each policy must state that any child with an EHCP naming the school must be given a place, this comes before the over-subscription criteria. If the application is received once all places have been allocated, it will be a permitted exception at KS1.

Residence Orders

Residence orders no longer exist they were replaced in the Children and Families Act 2014 with Child Arrangement Orders. The wording in policies should reflect this change

Checklist

You may find it helpful to use our [Admissions Checklist](#) when reviewing your policy.