Department for Education

School Admissions Code

Mandatory requirements and statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels

MAY 2021

CORRECTION SLIP

Title: School Admissions Code

Session: 2021/2022

ISBN: 978-1-5286-2575-3

Date of laying: 13 May 2021

Corrections:

Correction 1: Page 36, paragraph 3.30 – delete footnote number 89.

Correction 2: Page 38, paragraph 11 – change footnote number 90 to 89.

Correction 3: Page 39 - change footnote number 91 to 90.

Correction 1

Text currently reads:

3.30 Local authorities must produce an annual report on admissions for all the schools in their area for which they co-ordinate admissions. From 2022, it must be published locally and sent to the Schools Adjudicator by 31 October each year covering the prior academic year[89]. The report must cover as a minimum:

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Correction 2

Text currently reads:

11. Please note the case of R (Hounslow London Borough Council) v School Admission Appeal Panel for Hounslow (2002) regarding exceptional circumstances[90.]

[90] See https://www.bailii.org/ew/cases/EWCA/Civ/2002/900.html

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[89] See https://www.bailii.org/ew/cases/EWCA/Civ/2002/900.html

Correction 3

Text currently reads:

(1) A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements, or special guardianship order[91] including those who appear [to the admission authority] to have been in state care outside of England and ceased to be in state care as a result of being adopted. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

[91] An adoption order is an order under the Adoption Act 1976 (see Section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see Section 46 adoption orders). A 'child arrangements order' is an order settling the arrangements to be made as to the person with whom the child is to live under Section 8 of the Children Act 1989 as amended by Section 14 of the Children and Families Act 2014. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

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Date of correction: 24 May 2021

COMMENCEMENT SUBJECT TO PARLIAMENTARY SCRUTINY

School Admissions Code

Presented to Parliament pursuant to section 85(3) of the School Standards and Framework Act 1998

Department for Education

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ISBN 978-1-5286-2575-3

CCS0521535686 05/21

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

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The Statutory Basis for the School Admissions Code

1. The School Admissions Code ('the Code') has been issued under Section 84 of the School Standards and Framework Act 1998 ('SSFA 1998')[1]. The Code has been made following a consultation under Section 85(2) of the SSFA 1998 and after being laid before Parliament for forty days.

2. This Code comes into force on **1 September 2021** and, unless otherwise stated, applies with immediate effect. The Code applies to admissions to all maintained schools in England. It should be read alongside the School Admission Appeals Code and other guidance and law that affect admissions and admission appeals in England.

3. This Code imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions by the bodies listed below:

a) **Admission authorities of maintained schools** as defined in Section 88(1) (a) and (b) of the SSFA 1998[2]

b) **Governing bodies and local authorities (when not admission authorities)**

c) **Schools Adjudicators**

d) **Admission Appeal Panels.**

These bodies have a statutory duty to act in accordance with the relevant provisions of the Code.

Application of the Code to Academies

4. Academies, by which we mean Academy Schools[3], (including those that are Free Schools, University Technical Colleges and Studio Schools), are state-funded, non fee-paying independent schools set up under a Funding Agreement between the Secretary of State and the proprietor of an Academy (most commonly, and hereafter, referred to as an Academy Trust). Academies are required by their funding agreements to comply with the Code and the law relating to admissions, although the Secretary of State has the power to vary this requirement where there is demonstrable need.

[1] Where statutory provisions have been amended, any references to them are references to them as amended.
[2] For community and voluntary controlled schools the admission authority is usually the local authority, but it may be the governing body if the local authority with the governing body's agreement has delegated responsibility to it for determining admission arrangements. Governing bodies are the admission authorities for foundation schools (including Trust schools) and voluntary aided schools.
[3] Academies are defined in Section 1A of the Academies Act 2010.

Compliance with the Code

5. It is the responsibility of admission authorities to ensure that admission arrangements[4] are compliant with this Code. Where a school is their own admission authority, this responsibility falls to the governing body or Academy Trust.

6. Section 88P of the SSFA 1998 requires local authorities to make reports to the Schools Adjudicator about such matters connected with relevant school admissions as required by the Code. Minimum requirements for that report are set out at paragraph 3.30 of this Code and include an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, how admission arrangements affect the interests of looked after children and previously looked after children, and the number and percentage of lodged and upheld parental appeals. The report **must** be published locally. The Schools Adjudicator will report annually to the Secretary of State on Fair Access.

7. Objections to the admission arrangements of both maintained schools and Academies can be made to the Schools Adjudicator whose decisions are binding and enforceable[5].

8. The Secretary of State may refer the admission arrangements of any school to the Schools Adjudicator at any time if the Secretary of State considers that they do not or may not comply with the mandatory requirements of this Code or the law.

9. The Schools Adjudicator may investigate the admission arrangements of any school that the Adjudicator considers do not or may not comply with the mandatory requirements of this Code or the law.

10. Any decision of the Schools Adjudicator will be binding on the admission authority. The admission authority **must,** where necessary, revise their admission arrangements to give effect to the Schools Adjudicator's decision within two months of the decision (or by **28 February** following the decision, whichever is sooner), unless an alternative timescale is specified by the Adjudicator. An Adjudicator's determination is binding and enforceable. Where admission authorities fail to implement decisions of the Adjudicator the Secretary of State may direct the admission authority (either the governing body, the local authority, or Academy Trust) to do so under Section 496 or 497 of the Education Act 1996 or the Funding Agreement.

[4] Admission arrangements means the overall procedure, practices, criteria, and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered.
[5] Section 88H of the SSFA 1998.

11. The table below sets out the admission authority for each type of school in England.

Type of School	Who is the admission authority?	Who deals with complaints about arrangements?	Who is responsible for arranging/ providing for an appeal against refusal of a place at a school?
Academies	Academy Trust	Schools Adjudicator	Academy Trust
Foundation Schools	Governing body	Schools Adjudicator	Governing body
Voluntary aided schools	Governing body	Schools Adjudicator	Governing body
Community Schools	Local Authority	Schools Adjudicator	Local Authority
Voluntary controlled schools	Local Authority	Schools Adjudicator	Local Authority

Introduction

Purpose of this Code

12. The purpose of the Code is to ensure that all school places for maintained schools and Academies (excluding maintained special schools and special academies[6]) are allocated and offered in an open and fair way. The Code has the force of law, and where the words '**must'** or '**must not'** are used, these represent a mandatory requirement.

13. Admission authorities and local authorities **must** also comply with the regulations and legislation set out in the Appendix to this Code.

Overall principles behind setting arrangements

14. In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

How admissions work

15. In summary, the process operates as follows:

a) All schools **must** have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by admission authorities.

b) Admission authorities **must** set ('determine') admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on those arrangements[7]. If no changes are made to admission arrangements, they **must** be consulted on at least once every 7 years. Consultation **must** be for a minimum of 6 weeks and **must** take place between **1 October** and **31 January** of the school year before those arrangements are to apply (the determination year). For example: for arrangements which are to apply for entry in September 2023, consultation **must** be

[6] 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 Plan.

[7] Except where the change is an increase to a school's published admission number (see paragraph 1.3) or is made to comply with any mandatory requirements of the Code or The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (hereafter the "School Admissions Regulations 2012").

completed by 31 January 2022. This consultation period allows parents, other schools, religious authorities, and the local community to raise any concerns about the proposed admission arrangements.

c) Once all arrangements have been determined, arrangements can be objected to and referred to the Schools Adjudicator. Objections to admission arrangements **must** be referred to the Adjudicator by **15 May** in the school year before those arrangements are to apply (the determination year). For example: for arrangements which are to apply for entry in September 2023, objections **must** be referred to the Adjudicator by 15 May 2022. Any decision of the Adjudicator **must** be acted on by the admission authority and admission arrangements amended accordingly. The local authority will collate and publish all the admission arrangements in the area in a single composite prospectus.

d) In the normal admissions round[8] parents apply to the local authority in which they live for places at their preferred schools. Parents are able to express a preference for at least three schools. The application can include schools outside the local authority where the child lives: a parent can apply for a place for their child at any state-funded school in any area. If a school is undersubscribed, any parent that applies **must** be offered a place. When oversubscribed, a school's admission authority **must** rank applications in order against its published oversubscription criteria and send that list back to the local authority. Published admission arrangements **must** make clear to parents that a separate application **must** be made for any transfer from nursery to primary school, and from infant to junior school.

e) All preferences are collated and parents then receive an offer from the local authority at the highest preference school at which a place is available. The offer is made on National Offer Day – this is **1 March** for secondary schools or **16 April** for primary schools (or the next working day where 1 March or 16 April fall on a weekend or bank holiday), in the year in which the child will be admitted.

f) Parents, and in some circumstances children, have the right to appeal against an admission authority's decision to refuse admission. The admission authority **must** set out the reasons for the decision, that there is a right of appeal and the process for hearing such appeals. The admission authority **must** establish an independent appeals panel to hear the appeal. The panel will decide whether to uphold or dismiss the appeal. Where a panel upholds the appeal, the school is required to admit the child.

[8] The "normal admissions round" covers applications for admission in a relevant age group, which are made in time for the local authority to offer a school place on National Offer Day. The deadlines for submitting applications to be allocated on National Offer Day are 31 October for secondary school and 15 January for primary school.

Section 1: Determining Admission Arrangements

1.1 Admission authorities are responsible for admissions and **must** act in accordance with this Code, the School Admission Appeals Code, other laws relating to admissions[9], and relevant human rights and equalities legislation.

Published Admission Number (PAN)

1.2 As part of determining their admission arrangements[10], all admission authorities **must** set an admission number for each 'relevant age group'[11].

1.3 Own admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN[12]. For a community or voluntary controlled school, the local authority (as admission authority) **must** consult at least the governing body of the school where it proposes either to increase or keep the same PAN. All admission authorities **must** consult in accordance with paragraph 1.45 below where they propose a decrease to the PAN. Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection.

1.4 Admission authorities **must** notify their local authority of their intention to increase the school's PAN and reference to the change should be made on the school's website. If, at any time following determination of the PAN, an admission authority decides that it is able to admit above its PAN, it **must** notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively. Admission authorities may also admit above their PAN through in-year admissions. The PAN only applies to the relevant age group. This means that admission authorities may not refuse admission to other age groups on the grounds that they have already reached their PAN. They may, however, refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources.

1.5 Any admissions above the PAN as set out in paragraph 1.4 above will not constitute an increase to the PAN[13]. Information on variations to the PAN after admission arrangements have been determined for a particular school year is set out in paragraph 3.6 of this Code.

[9] The main provisions relating to admissions are in Chapter 1 of Part 3 of the SSFA 1998.
[10] See Sections 88C and 88D of the SSFA 1998.
[11] This is the age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12 where the school admits external applicants to the sixth form (Section 142 of the SSFA 1998).
[12] Regulation 14 of School Admissions Regulations 2012.
[13] Where an enlargement of school premises is proposed the governing body of a maintained school is required to observe the relevant regulations, currently the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (SI 2013/3110). For Academies, such changes are agreed with the Secretary of State through the Funding Agreement.

Oversubscription criteria

1.6 The admission authority for the school **must** set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied. All children whose Education, Health and Care Plan[14] names the school **must** be admitted. If the school is not oversubscribed, all applicants **must** be offered a place (with the exception of designated grammar schools - see paragraph 2.8 of this Code).

1.7 All schools **must** have oversubscription criteria for each 'relevant age group' and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children[15] and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted[16]. Previously looked after children are children who were looked after but ceased to be so because they were adopted[17] (or became subject to a child arrangements order[18] or special guardianship order[19]). All references to previously looked after children in this Code mean such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Oversubscription criteria **must** then be applied to all other applicants in the order set out in the arrangements.

1.8 Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements **must** include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated.

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[14] An Education, Health and Care Plan is a plan made by the local authority under Section 37 of the Children and Families Act 2014 specifying the special education, health and social care provision required for that child.

[15] A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

[16] A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

[17] This includes children who were adopted under the Adoption Act 1976 (see Section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see Section 46 adoption orders).

[18] Child arrangements orders are defined in Section 8 of the Children Act 1989, as amended by Section 12 of the Children and Families Act 2014. Child arrangements orders replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order.

[19] See Section 14A of the Children Act 1989 which defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

1.9 It is for admission authorities to formulate their admission arrangements, but they **must not**:

a) place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements;

b) take into account any previous schools attended, unless it is a named feeder school;

c) give extra priority to children whose parents rank preferred schools in a particular order, including 'first preference first' arrangements;

d) introduce any new selection by ability[20];

e) give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority[21]. The exception to this is where parents pay optional nursery fees to the school or school-run nursery, for additional hours on top of their 15-hour funded early education, where children from the school nursery class or school-run nursery are given priority for admission to Reception;

f) give priority to children according to the occupational, marital, financial, or educational status of parents applying. The exceptions to this are children of staff at the school and those eligible for the early years pupil premium, the pupil premium and the service premium who may be prioritised in the arrangements in accordance with paragraphs 1.39 – 1.42;

g) take account of reports from previous schools about children's past behaviour, attendance, attitude, or achievement, or that of any other children in the family;

h) discriminate against or disadvantage disabled children, those with special educational needs, or those applying for admission outside their normal age group where an admission authority has agreed to this under paragraphs 2.18 to 2.20;

i) prioritise children on the basis of their own or their parents' past or current hobbies or activities (schools which have been designated as having a religious character[22] may take account of religious activities, as laid out by the body or person representing the religion or religious denomination[23]);

j) in designated grammar schools that rank all children according to a

[20] There is a general restriction on selection by ability. Only the following schools are permitted to use selection by ability: designated grammar schools; schools with partially selective arrangements which already had such arrangements in place during the 1997/98 school year; and school sixth forms. Grammar schools are designated as such by order made by the Secretary of State under Section 104 of the SSFA 1998.

[21] This includes any donations, paid work, or voluntary activity, which supports or benefits the school or any associated organisation, including any religious organisation, or its employees either directly or through work in the community. This does not include any religious activities as permitted by paragraph 1.9(i) for schools which have been designated as having a religious character, or instances where the admission authority has chosen to list children of staff within their oversubscription criteria as permitted by paragraph 1.39 of this Code.

[22] Designated by order under Section 69(3) of the SSFA 1998.

[23] Schedule 3 of the School Admissions Regulations 2012. For Academies, the representative body or person is set out in the Funding Agreement.

pre-determined pass mark and then allocate places to those who score highest, give priority to siblings of current or former pupils;

k) in the case of schools with boarding places, rank children on the basis of a child's suitability for boarding – more information on boarding schools is set out at paragraphs 1.43 - 1.44 below;

l) name fee-paying independent schools as feeder schools;

m) interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place. Boarding schools may interview children to assess their suitability for boarding;

n) request financial contributions (either in the form of voluntary contributions, donations, or deposits (even if refundable)) as any part of the admissions process – including for tests; or

o) request photographs of a child for any part of the admissions process, other than as proof of identity when sitting a selection test.

1.10 This Code does not give a definitive list of acceptable oversubscription criteria. It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances. The most common are set out below.

Siblings at the school

1.11 Admission authorities **must** state clearly in their arrangements what they mean by 'sibling' (e.g. whether this includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who are former pupils of the school). If an admission authority wishes to give some priority to siblings of former pupils, it **must** set out a clear and simple definition of such former pupils and how their siblings will be treated in the oversubscription criteria (bearing in mind the restrictions set out in paragraph 1.9 above).

1.12 Some schools give priority to siblings of pupils attending another state funded school with which they have close links (for example, schools on the same site, or close links between two single sex schools). Where this is the case, this priority **must** be set out clearly in the arrangements.

Distance from the school or nodal points

1.13 Admission authorities **must** clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured. This **must** include making clear how the 'home' address will be determined and the point(s) in the school or nodal points from which all distances will be measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent. The selection of a nodal point **must** be clearly explained and made on reasonable grounds.

Catchment Areas

1.14 Catchment areas **must** be designed so that they are reasonable and clearly defined[24]. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.

Feeder Schools

1.15 Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.

Social and medical need

1.16 If admission authorities decide to use social and medical need as an oversubscription criterion, they **must** set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided.

Selection by ability or aptitude

1.17 The admission authorities for all selective schools **must** publish the entry requirements for a selective place and the process for such selection in their admission arrangements.

Grammar schools

1.18 Only designated grammar schools[25] are permitted to select their entire intake on the basis of high academic ability[26]. They do not have to fill all of their places if applicants have not reached the required standard.

1.19 Where arrangements for pupils are wholly based on selection by reference to ability and provide for only those pupils who score highest in any selection test to be admitted, no priority needs to be given to looked after children or previously looked after children.

1.20 Where admission arrangements are not based solely on highest scores in a selection test, the admission authority **must** give priority in its oversubscription criteria to all looked after children and previously looked after children who meet the pre-set standards of the ability test.

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[24] R v Greenwich London Borough Council, ex parte John Ball Primary School (1989) 88 LGR 589 [1990] Fam Law 469 held that pupils should not be discriminated against in relation to admission to the school simply because they reside outside the local authority area in which the school is situated. Section 86(8) of the SSFA 1998 places an equal duty on local authorities to comply with parental preference in respect of parents living within and outside their boundary.
[25] As designated by the Education (Grammar School Designation) Order 1998 (SI 1998/2219). Where a designated grammar school converts to become an Academy, the Academy is permitted to continue selecting their entire intake: Section 6(3) of the Academies Act 2010.
[26] Section 104 of the SSFA 1998.

Pre-existing, partially selective schools

1.21 Partially selective schools select a proportion of their intake by ability. Where schools can partially select, they **must** publish the entry requirements for a selective place, and the process for such selection. They **must** offer places to other children if there are insufficient applicants who have satisfied the published entry requirements for a selective place.

1.22 Partially selective schools **must not** exceed the lowest proportion of selection that has been used since the 1997/98 school year[27].

1.23 In relation to the proportion of pupils admitted on a selective basis, where arrangements provide for only those pupils who score highest in any selection test to be admitted, no priority needs to be given to looked after children or previously looked after children. Where such arrangements are not based on highest scores in a selection test, the admission authority **must** give priority in its oversubscription criteria to all looked after children and previously looked after children who meet the pre-set standards of the test. For the allocation of the remainder of places after selection, looked after children and previously looked after children **must** again be given first priority for admission.

Selection by aptitude

1.24 Schools that have arrangements to select by aptitude **must not** allow for more than 10 per cent of the total admissions intake to be allocated on the basis of such aptitude (even if the school has more than one specialism). The only specialist subjects on which a school may select by aptitude are:

a) physical education or sport, or one or more sports;

b) the performing arts, or any one or more of those arts;

c) the visual arts, or any one or more of those arts;

d) modern foreign languages, or any such language; and

e) design and technology and information technology. Only schools which selected on either of these specialist subjects in the school year 2007/08 and every subsequent year may continue to do so.

Banding

1.25 Pupil ability banding is a permitted form of selection[28] used by some admission authorities to ensure that the intake for a school includes a proportionate spread of children of different abilities. Banding can be used to produce an intake that is representative of:

a) the full range of ability of applicants for the school(s);

b) the range of ability of children in the local area; or

c) the national ability range.

[27] Section 100 of the SSFA 1998.
[28] Section 101 of the SSFA 1998.

1.26 Admission authorities' entry requirements for banding **must** be fair, clear, and objective. Banding arrangements which favour high ability children that have been continuously used since the 1997/98 school year may continue but **must not** be introduced by any other school.

1.27 The admission authority **must** publish the admission requirements and the process for such banding and decisions, including details of any tests that will be used to band children according to ability.

1.28 Where the school is oversubscribed:

a) looked after children and previously looked after children **must** be given top priority in each band, and then any oversubscription criteria applied within each band, and

b) priority **must not** be given within bands according to the applicant's performance in the test.

1.29 Schools that operate admission arrangements which include both banding and selection of up to 10% of pupils with reference to aptitude, **must** set out clearly in their admission arrangements how those two methods of selection will be applied.

1.30 Children with Education, Health and Care Plans may be included in banding tests and allocated places in the appropriate bands but, regardless of any banding arrangements, they **must** be allocated a place if their Education, Health and Care Plan names the school.

Tests for selection

1.31 Tests for all forms of selection **must** be clear, objective, and give an accurate reflection of the child's ability or aptitude, irrespective of sex, race, or disability. It is for the admission authority to decide the content of the test, providing that the test is a true test of aptitude or ability.

1.32 Admission authorities **must:**

a) ensure that tests for aptitude in a particular subject are designed to test only for aptitude in the subject concerned, and not for ability;

b) ensure that tests are accessible to children with special educational needs and disabilities, having regard to the reasonable adjustments for disabled pupils required under equalities legislation; and

c) take all reasonable steps to inform parents of the outcome of selection tests[29] before the closing date for secondary applications on **31 October** so as to allow parents time to make an informed choice of school - while making clear that this does not equate to a guarantee of a selective place.

1.33 Admission authorities **must not** adjust the score achieved by any child in a test to take account of oversubscription criteria, such as having a sibling at the school.

[29] This does not apply to testing as part of banding arrangements, as described in paragraphs 1.25 – 1.30 of this Code.

Random allocation

1.34 Local authorities **must not** use random allocation as the principal oversubscription criterion for allocating places at all the schools in the area for which they are the admission authority. Admission authorities that decide to use random allocation when schools are oversubscribed **must** set out clearly how this will operate, ensuring that arrangements are transparent, and that looked after children and previously looked after children are prioritised.

1.35 The random allocation process **must** be supervised by someone independent of the school, and a fresh round of random allocation **must** be used each time a child is to be offered a place from a waiting list.

Faith based oversubscription criteria in schools designated with a religious character

1.36 As with other publicly funded mainstream schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria[30] and allocate places by reference to faith where the school is oversubscribed.

1.37 Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied. Admission authorities for schools designated with a religious character may give priority to all looked after children and previously looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children of the faith. Where any element of priority is given in relation to children not of the faith, they **must** give priority to looked after children and previously looked after children not of the faith above other children not of the faith[31].

1.38 Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code. They **must** also consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated. Church of England schools **must**, as required by the Diocesan Boards of Education Measure 1991[32], consult with their diocese about proposed admission arrangements before any public consultation.

[30] Funding Agreements for entirely new Academies (i.e. not converters from the maintained sector, or those sponsored Academies with a predecessor school) and Free Schools with a religious character provide that where the school is oversubscribed at least 50% of places are to be allocated without reference to faith.
[31] Regulation 9 of the School Admissions Regulations 2012.
[32] Diocesan Boards of Education Measure 1991 (No.2).

Children of staff at the school

1.39 Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:

a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made; and/or

b) the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skill shortage.

1.40 Admissions authorities **must** specify in their admission arrangements how this priority will be applied, for example, which groups of staff it will apply to.

Children eligible for pupil premium, early years premium or service premium

1.41 Admission authorities may give priority in their oversubscription criteria to children eligible for the early years pupil premium[33], the pupil premium[34] and also children eligible for the service premium[35]. Admission authorities should clearly define in their arrangements the categories of eligible premium recipients to be prioritised.

1.42 Admission authorities may give priority in their oversubscription criteria to children eligible for the early years pupil premium, the pupil premium, or the service premium who:

a) are in a nursery class which is part of the school; or

b) attend a nursery that is established and run by the school. The nursery **must** be named in the admission arrangements and its selection **must** be transparent and made on reasonable grounds.

Maintained boarding schools

1.43 Maintained boarding schools can set separate admission numbers for day places and boarding places[36]. A maintained boarding school can interview applicants to assess suitability for boarding, but such interviews **must** only consider whether a child presents a serious health and safety hazard to other boarders or whether they would be able to cope with and benefit from a boarding environment. To help with this assessment, they may also use a supplementary information form, and information provided by the previous school and by the child's home local authority (on safeguarding issues). These processes, and the timeline for them, **must** be clearly set out in the school's admission arrangements.

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[33] The early years pupil premium is additional funding paid to support disadvantaged children receiving government-funded early education, as per Section 7 of the Childcare Act 2006.
[34] The pupil premium is additional funding paid annually to schools under Section 14 of the Education Act 2002 for the purposes of supporting the attainment of disadvantaged children.
[35] The service premium is additional funding paid annually to schools under Section 14 of the Education Act 2002 for the purposes of supporting the pastoral needs of the children of Armed Services personnel.
[36] Boarding places are places for pupils who are provided with overnight board and lodging by the school. Day places are places for pupils who attend school on a daily basis, including pupils who participate in optional school activities outside school hours (for example breakfast club, after-school clubs, music lessons, tea, and supervised homework sessions).

1.44 Boarding schools **must** give priority in their oversubscription criteria in the following order:

a) looked after children and previously looked after children;

b) children of members of the UK Armed Forces who qualify for Ministry of Defence financial assistance with the cost of boarding school fees;

c) children with a 'boarding need', making it clear what they mean by this.

Consultation[37]

1.45 When changes[38] are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities **must** consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period[39].

1.46 Consultation **must** last for a minimum of 6 weeks and **must** take place between **1 October** and **31 January** in the determination year.

1.47 Admission authorities **must** consult with:

a) parents of children between the ages of two and eighteen;

b) other persons in the relevant area[40] who in the opinion of the admission authority have an interest in the proposed admissions;

c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);

d) whichever of the governing body and the local authority is not the admission authority;

e) any adjoining neighbouring local authorities where the admission authority is the local authority; and

f) in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.

[37] See also paragraph 1.3. Regulations 12 to 17 of the School Admissions Regulations 2012 cover consultation requirements.
[38] An increase to PAN, or a change to the admission arrangements to comply with the mandatory provisions of the Code or the School Admissions Regulations 2012, is not a change requiring consultation.
[39] A consultation on a proposal to increase or keep the same PAN by a local authority as admission authority with the governing body of a voluntary controlled or community school is not a consultation for the purposes of calculating a seven year period without consultation.
[40] As set out in the Glossary.

1.48 For the duration of the consultation period, the admission authority **must** publish a copy of their full proposed admission arrangements (including the proposed PAN) on the school's website or its own website (in the case of a local authority) together with details of where comments may be sent and the areas on which comments are not sought[41]. Admission authorities **must** also send, upon request, a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively may be grounds for subsequent complaints and appeals.

Determination

1.49 All admission authorities **must** determine[42] their admission arrangements, including their PAN, every year, even if they have not changed from previous years and a consultation has not been required by **28 February** in the determination year[43].

1.50 Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies[44] and **must** publish a copy of the determined arrangements on the school's website or their own website (in the case of a local authority) by **15 March** in the determination year[45] and continue displaying them for the whole offer year (the school year in which offers for places are made). Admission authorities **must** also send a copy of their full, determined arrangements to the local authority as soon as possible before **15 March** in the determination year. Admission authorities for schools designated with a religious character **must** also send a copy of their arrangements to the body or person representing their religion or religious denomination.

1.51 Where an admission authority has determined a PAN that is higher than in previous years, they **must** notify the local authority that they have done so and make specific reference to the change on their website.

1.52 Local authorities **must** publish on their website the proposed admission arrangements for any new school or Academy which is intended to open in their area within the determination year, details of where the determined arrangements for all schools, including Academies, can be viewed, and information on how to refer objections to the Schools Adjudicator. Local authorities **must** publish these details by **15 March** in the determination year[46].

1.53 Following determination of arrangements, any objections to those arrangements **must** be made to the Schools Adjudicator. Objections to admission arrangements **must** be referred to the Schools Adjudicator by **15**

[41] Regulation 16 of the School Admissions Regulations 2012.
[42] Determination occurs at the point at which the admission arrangements are formally agreed by the admission authority. This decision should be recorded in the minutes of the meeting at which it is made.
[43] Regulation 17 of the School Admissions Regulations 2012.
[44] In addition to the bodies listed at paragraph 1.47 (c), (d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area.
[45] The governing body of a community or voluntary controlled school must also publish this information on the school's website – see regulation 10 of the School Information Regulations 2008.
[46] Regulation 18 of the School Admissions Regulations 2012.

May in the determination year[47]. Admission authorities that are not the local authority **must** provide all the information that the local authority needs to compile the composite prospectus no later than **8 August**, unless agreed otherwise[48].

Composite prospectuses

1.54 Local authorities **must** publish online - with hard copies available for those who do not have access to the internet - a composite prospectus for parents by **12 September**[49] in the offer year, which contains the admission arrangements and any supplementary information forms for each of the state-funded schools in the local authority area to which parents can apply (i.e. all schools including Academies). They **must** ensure that this information is kept up to date throughout the period in which it is possible for parents to apply for a place for their child, including updating it with information about any new schools which open in their area during the offer year. They **must** ensure the prospectus is written in a way that makes it clear and accessible to all parents.

[47] Regulation 23 of the School Admissions Regulations 2012. See also paragraphs 3.2 - 3.5 of this Code regarding objections to the Schools Adjudicator.
[48] Regulation 7 of the School Information (England) Regulations 2008 SI 2008/3093.
[49] Regulations 5, 6 and Schedule 2 of the School Information (England) Regulations 2008.

Section 2: Applications and Offers

Applying for places in the normal admissions round

2.1 Local authorities **must** provide a common application form (CAF) that enables parents to express their preference for a place at any state funded school, with a minimum of 3 preferences in rank order, allowing them to give reasons for their preferences. While parents may express a preference for any state funded school – regardless of whether it is in the local authority area in which they live - admission authorities **must not** give any guarantees that a preference will be met.

2.2 The CAF **must** allow parents to provide their name, their address (including documentary evidence in support), and the name, address, and date of birth of the child. The child **must not** be required to complete any part of the CAF. Local authorities **must** provide advice and assistance to parents when they are deciding which schools to apply for[50].

2.3 Regardless of which schools parents express preferences for, the CAF is required to be returned to the local authority in the area that they live (the 'home' authority). The home authority **must** then pass information on applications to other local ('maintaining') authorities about applications to schools in their area. The maintaining authority **must** determine the application and inform the home local authority if a place is available. The offer to parents **must** be made by the home local authority.

2.4 In some cases, admission authorities will need to ask for supplementary information forms in order to process applications. If they do so, they **must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability. Places **must** be allocated on the basis of the oversubscription criteria only. An applicant **must not** be given additional priority solely on the basis of having completed a supplementary form. Admission authorities **must not** ask, or use supplementary forms that ask, for any of the information prohibited by paragraph 1.9 above or for:

a) any personal details about parents and families, such as maiden names, criminal convictions, marital, or financial status (including marriage certificates);

b) the first language of parents or the child;

c) details about parents' or a child's disabilities, special educational needs, or medical conditions;

d) parents to agree to support the ethos of the school in a practical way;

e) both parents to sign the form, or for the child to complete the form.

[50] In accordance with Section 86(1A) of the SSFA 1998.

2.5 Admission authorities may need to ask for proof of address where it is unclear whether a child meets the published oversubscription criteria. In these cases, they **must not** ask for any evidence that would include any of the information detailed above. Once a place has been offered, admission authorities may ask for proof of birth date, but **must not** ask for a 'long' birth certificate or other documents which would include information about the child's parents. In the case of previously looked after children, admission authorities may request a copy of the adoption order, child arrangements order or special guardianship order and a letter from the local authority that last looked after the child, confirming that they were looked after immediately prior to that order being made, or such evidence that demonstrates a child was in state care outside of England prior to being adopted.

Applying for places at Sixth Form

2.6 Children and their parents applying for sixth form places may use the CAF, although if they are already on the roll, they are not required to do so in order to transfer into year 12. Admission authorities can, however, set academic entry criteria for their sixth forms, which **must** be the same for both external and internal places. School sixth form admission arrangements for external applicants **must** be consulted upon, determined, and published in accordance with the same timetable as for admission arrangements for other entry points. As with other points of entry to schools, highest priority in oversubscription criteria for sixth form places **must** be given to looked after children and ````````````1previously looked after children who meet the academic entry criteria. As stated in paragraph 1.9 m) above, any meetings held to discuss options and courses **must not** form part of the decision process on whether to offer a place.

Allocating places

2.7 Admission authorities **must** allocate places on the basis of their determined admission arrangements only. A decision to offer or refuse admission **must not** be made by one individual in an admission authority. Where the school is its own admission authority the whole governing body, or an admissions committee established by the governing body, **must** make such decisions[51]. The admission authority **must** keep a clear record of any decisions on applications, including in-year applications.

2.8 With the exception of designated grammar schools, all maintained schools, and academies, including schools designated with a religious character, that have enough places available **must** offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria.

[51] Where it is not possible to convene a face to face meeting of a governing body or the admissions committee (where applicable) in order to make a decision on an application, decisions may be made 'virtually', provided members are 'present' – for example via telephone or video conference. Admission authorities must ensure their processes comply with relevant governance requirements.

2.9 Admission authorities **must not** refuse to admit a child solely because:

a) they have applied later than other applicants;

b) they are not of the faith of the school, in the case of a school designated with a religious character;

c) they followed a different curriculum at their previous school;

d) information has not been received from their previous school; or

e) they have missed entrance tests for selective places.

2.10 In the normal admissions round, offers of primary and secondary places **must** be sent by the home local authority and schools **must not** contact parents about the outcome of their applications until after these offers have been received. Admission authorities **must not** provide any guarantees to applicants of the outcome of their application prior to the formal notification of any offers of a place in a suitable school by the home local authority.

2.11 Where a place is available for a child at more than one school, the home local authority **must** ensure, so far as is reasonably practicable, that the child is offered a place at whichever of these schools is their highest preference. If the local authority is unable to offer a place at one of the parents' preferred schools it **must**, if there are places available, offer a place at another school.

Offering a place

2.12 Where schools are oversubscribed, admission authorities **must** rank applications in accordance with their determined arrangements. The qualifying scheme **must** ensure that:

a) only one offer per child is made by the local authority;

b) for secondary school applications, all offers **must** be made on the same secondary National Offer Day i.e.**1 March or the next working day**, and

c) for primary school applications, all offers **must** be made on the same primary National Offer Day i.e. **16 April or the next working day**.

Withdrawing an offer or a place

2.13 An admission authority **must not** withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. Where the parent has not responded to the offer, the admission authority **must** give the parent a further opportunity to respond and explain that the offer may be withdrawn if they do not. Where an offer is withdrawn on the basis of misleading information, the application **must** be considered afresh, and a right of appeal offered if an offer is refused.

2.14 A school **must not** withdraw a place once a child has started at the school, except where that place was fraudulently obtained. In deciding whether to withdraw the place, the length of time that the child has been at the school **must** be taken into account. For example, it might be considered appropriate to withdraw the place if the child has been at the school for less than one term.

Waiting lists

2.15 Each admission authority **must** maintain a clear, fair, and objective waiting list until at least **31 December** of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received, or their name was added to the list. Looked after children or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol **must** take precedence over those on a waiting list[52].

Infant class size

2.16 Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher[53]. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

a) children admitted outside the normal admissions round with Education, Health and Care Plans specifying the school;

b) looked after children and previously looked after children admitted outside the normal admissions round;

c) children admitted after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;

d) children admitted after an independent appeals panel upholds an appeal;

e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;

f) children of UK service personnel admitted outside the normal admissions round;

g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;

h) children with special educational needs who are normally taught in

[52] Admission authorities for schools designated with a religious character must treat looked after children and previously looked after children on their waiting list in line with the principles set out in paragraph 1.37.
[53] 'Teacher' is defined in Section 4 of the SSFA 1998.

a special educational needs unit[54] attached to the school, or registered at a special school, who attend some infant classes within the mainstream school[55].

Admission of children below compulsory school age[56] and deferred entry to school

2.17 Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that where they have offered a child a place at a school:

a) that child is entitled to a full-time place in the September following their fourth birthday;

b) the child's parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and

c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.

Admission of children outside their normal age group

2.18 Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child[57] may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.

2.19 Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social, and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born

[54] A special educational needs unit forms part of a school and is specially organised to provide education for pupils with special educational needs.
[55] The School Admissions (Infant Class Sizes) (England) Regulations 2012.
[56] Compulsory school age is set out in Section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998. A child reaches compulsory school age on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March, and 31 August.
[57] The term summer born children relates to all children born from 1 April to 31 August. These children reach compulsory school age on 31 August following their fifth birthday (or on their fifth birthday if it falls on 31 August). It is likely that most requests for summer born children to be admitted out of their normal age group will come from parents of children born in the later summer months or those born prematurely.

prematurely. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority **must** set out clearly the reasons for their decision.

2.20 Where an admission authority agrees to a parent's request for their child to be admitted out of their normal age group and, as a consequence of that decision, the child will be admitted to a relevant age group (i.e. the age group to which pupils are normally admitted to the school) the local authority and admission authority **must** process the application as part of the main admissions round, unless the parental request is made too late for this to be possible, and on the basis of their determined admission arrangements only, including the application of oversubscription criteria where applicable. They **must not** give the application lower priority on the basis that the child is being admitted out of their normal age group. Parents have a statutory right to appeal against the refusal of a place at a school for which they have applied. This right does not apply if they are offered a place at the school, but it is not in their preferred age group.

Children of UK service personnel and crown servants

2.21 For families of service personnel with a confirmed posting, or crown servants returning from overseas, admission authorities **must**:

a) allocate a place in advance of the family arriving in the area (as long as one is available), provided the application is accompanied by an official letter that declares a relocation date. Admission authorities **must not** refuse to process an application and **must not** refuse a place solely because the family do not yet have an intended address, or do not yet live in the area.

b) use the address at which the child will live when applying their oversubscription criteria, as long as the parents provide some evidence of their intended address. Admission authorities **must** use a Unit or quartering address as the child's home address when considering the application against their oversubscription criteria, where a parent requests this.

c) **not** reserve blocks of places for these children.

d) ensure that arrangements in their area support the Government's commitment to removing disadvantage for service children. Arrangements **must** be appropriate for the area and be described in the local authority's composite prospectus.

Co-ordination

2.22 Each year all local authorities **must** formulate and publish on their website by **1 January** in the relevant determination year, a scheme to co-ordinate admission arrangements for the normal admissions round and late

applications[58] for all publicly funded schools within their area[59]. Where the scheme is substantially different from the scheme adopted for the previous academic year, the local authority **must** consult the other admission authorities in the area and any other local authorities it determines. Where the scheme has not changed from the previous year there is no requirement to consult, subject to the requirement that the local authority **must** consult on the scheme at least once every seven years, even if there have been no changes during that period. Following any such consultation, which **must** be undertaken with a view to ensuring the admission of pupils in different local authorities is, as far as reasonably practicable, compatible with each other, the local authority **must** determine the qualifying scheme and **must** take all reasonable steps to secure its adoption. A local authority **must** inform the Secretary of State whether they have secured the adoption of a qualifying scheme by **28 February** in the determination year. The Secretary of State may impose a scheme where a scheme has not been adopted. All admission authorities **must** participate in co-ordination for the normal admissions round and late applications and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme. Local authorities **must** make application forms available to parents who wish to apply to a school in a neighbouring area which operates a different age of transfer (e.g. middle schools), and process these as it would in its normal admissions round.

In-year admissions

2.23 A parent can apply for a place for their child at any school, at any time. Local authorities are not required to co-ordinate in-year applications[60] for schools for which they are not the admission authority. They may, however, co-ordinate in-year applications for any or all own admission authority schools in their area, with the agreement of the relevant admission authorities. In 2021, local authorities **must** publish information on their website by **31 October 2021** to explain how in-year applications can be made and how they will be dealt with from 1 November 2021 until 31 August 2022. **In all subsequent years,** local authorities **must** publish information on their website by **31 August** at the latest each year to explain how in-year applications can be made and how they will be dealt with from 1 September onwards in that year. This includes setting out which schools they will co-ordinate the applications for and which schools will manage their own in-year admissions. They **must** also set out contact details for any admission authority that manages its own in-year admissions.

2.24 To enable local authorities to do this, **in 2021** own admission authority schools **must** inform the local authority by **1 October** whether they intend to be part of the local authority's in-year co-ordination scheme for the period to 31 August 2022 (where this is offered). **In all subsequent years,** own admission authorities **must** inform the local authority by **1 August** at the latest each year

[58] "Late applications" are applications for entry in a relevant age group which are submitted before the first day of the first term in the admission year but have not been made in time to enable the local authority to offer a place on National Offer Day.
[59] Regulations 26 to 32 and Schedule 2 of the School Admissions Regulations 2012 cover the requirements for such schemes.
[60] An application is an in-year application if it is for the admission of a child to a relevant age group, but it is submitted on or after the first day of the first term of the admission year, or if it is for the admission of a child to an age group other than a relevant age group.

whether they intend to be part of the local authority's in-year co-ordination scheme for the following 1 September to 31 August (where this is offered) or whether they will be managing their own in-year admissions. By the same date, for schools that intend to be part of the local authority's in-year co-ordination for the following academic year, they **must** also provide the local authority with all the information that the local authority is required to publish on its website, including application forms.

2.25 Local authorities **must** provide a suitable application form (and a supplementary information form where necessary) for parents to complete when applying for a place for their child at a school for which they co-ordinate in-year admissions. Where a local authority receives an in-year application for a school which manages its own in-year admissions, it **must** promptly forward the application to the relevant admission authority, which **must** process it in accordance with its own in-year admission arrangements.

2.26 In 2021, own admission authorities and governing bodies **must** set out on the school's website by **31 October 2021** how in-year applications will be dealt with from the 1 November 2021 until 31 August 2022. **In all subsequent years,** they **must** set out by **31 August** at the latest each year, on the school's website how in-year applications will be dealt with from the **1 September** until the following **31 August**. They **must** set out how parents can apply for a school place, and, where they manage their own in-year admissions, provide a suitable application form for parents to complete (and a supplementary information form where necessary), and set out when parents will be notified of the outcome of their application and details about the right to appeal. If the admission authority is to be a part of the local authority's in-year co-ordination scheme, it **must** provide information on where parents can find details of the relevant scheme. An admission authority, governing body or local authority **must** provide a hard copy of the information about in-year applications on request for those who do not have access to the internet.

2.27 Local authorities **must**, on request, provide information to prospective parents about the places still available in all schools within their area. To enable them to do this, the admission authorities for all schools in the area **must** provide the local authority with details of the number of places available at their schools whenever this information is requested, to assist a parent seeking a school place. Such details should be provided no later than two school days following receipt of a request from the local authority.

2.28 With the exception of designated grammar schools, all maintained schools, and academies, including schools designated with a religious character, that have places available **must** offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria, unless admitting the child would prejudice the efficient provision of education or use of resources. For example, admission authorities **must not** refuse to admit a child solely because:

a) they have applied later than other applicants;

b) they are not of the faith of the school in the case of a school designated with a religious character;

c) they have followed a different curriculum at their previous school; or

d) information has not been received from their previous school.

2.29 Where an admission authority is dealing with multiple in-year admissions and do not have sufficient places for every child who has applied for one, they **must** allocate places on the basis of the oversubscription criteria in their determined admission arrangements[61] only. If a waiting list is maintained, it **must** be maintained in line with paragraph 2.15.

2.30 Parents **must not** be refused the opportunity to make an application or be told that they can only be placed on a waiting list rather than make a formal application. Upon receipt of an in-year application, the admission authority, or the local authority if it is co-ordinating the admissions authority's in-year admissions, should aim to notify the parents of the outcome of their application in writing within 10 school days, but they **must** be notified in writing within 15 school days[62]. Where an application is refused, the admission authority **must** also set out the reason for refusal and information about the right to appeal in accordance with paragraph 2.32. Where an admission authority manages its own in-year admissions, it **must** also notify the local authority of every application and its outcome as soon as reasonably practicable, but should aim to be within two school days, to allow the local authority to keep up to date figures on the availability of places in the area and to ensure they are aware of any children who may not have a school place.

2.31 Where an applicant is offered a school place following an in-year application, and the offer is accepted, arrangements should be made for the child to start school as soon as possible, particularly where the child is out of school.

Right to appeal

2.32 When an admission authority informs a parent of a decision to refuse their child a place at a school for which they have applied, it **must** include the reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal. Parents **must** be informed that, if they wish to appeal, they **must** set out their grounds for appeal in writing[63]. Admission authorities **must not** limit the grounds on which appeals can be made.

School closure

2.33 Where a maintained school or Academy is to be closed, the local authority **must** collaborate with all schools in their area to consider the best way to secure provision for children in other local schools.

[61] The determined admission arrangements that relate to the admission of pupils in the relevant school year.
[62] This does not apply to grammar schools which must, instead, notify a parent in writing within 15 school days of their in-year application of either the date for the assessment of ability or the reason for refusal with information about the right of appeal (where the admission authority chooses not to assess the child's ability because admitting an additional child would prejudice the provision of efficient education or efficient use of resources).
[63] Where a looked after child has been refused a school place, it is likely to be more appropriate for the local authority looking after the child to use the powers of direction set out in paragraphs 3.27 to 3.29 of the Code, than to submit an appeal.

Section 3: Ensuring Fairness and Resolving Issues

The Schools Adjudicator

3.1 The Schools Adjudicator **must** consider whether admission arrangements referred to the Schools Adjudicator comply with the Code and the law relating to admissions. The admission authority **must,** where necessary, revise their admission arrangements to give effect to the Schools Adjudicator's decision within two months of the decision (or by **28 February** following the decision, whichever is sooner), unless an alternative timescale is specified by the Schools Adjudicator. The Schools Adjudicator's determination is binding and enforceable.

3.2 Local authorities **must** refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are unlawful. If requested by the Schools Adjudicator, admission authorities **must** provide the information set out in Schedule 1 to the School Admissions Regulations[64].

3.3 Any person or body who considers that any maintained school or Academy's arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator[65]. The following types of objections cannot be brought[66]:

a) objections that seek to remove selective arrangements at a maintained school (which are permitted under Section 105 to 109 of the SSFA 1988) or a selective Academy;

b) objections about own authority admission's decision to increase or keep the same PAN;

c) objections about a decision by the admission authority of a voluntary controlled or community school to increase or keep the same PAN, unless the objection is brought by the governing body of the school;

d) objections in respect of an agreed variation from the Code in relation to admission arrangements for an Academy;

e) objections to arrangements which raise the same or substantially the same matters as the adjudicator has decided on for that school in the last 2 years[67]; and

f) anonymous objections[68].

3.4 The Schools Adjudicator may also consider arrangements that come to its attention by other means, which they consider may not comply with mandatory requirements.

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[64] Regulation 25 of the School Admissions Regulations 2012.
[65] Section 88H of the SSFA 1998.
[66] Regulation 21 of the School Admissions Regulations 2012.
[67] Regulation 22 of the School Admissions Regulations 2012.
[68] Regulation 24 of the School Admissions Regulations 2012. The person or body referring the objection must provide their name and address to the adjudicator.

3.5 Objections to admission arrangements **must** be referred to the Schools Adjudicator by **15 May** in the determination year[69]. Further information on how to make an objection can be obtained from the Office of the Schools Adjudicator.

Variations

3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements[70] . Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator (for maintained schools) or the Secretary of State (for academies[71]) for approval, and the appropriate bodies notified[72]. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before making any reference. A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator[73].

3.7 Admission authorities **must** notify the appropriate bodies[74] of all variations and **must** display a copy of the full varied admission arrangements on the school's website or their website (in the case of a local authority) until they are replaced by different admission arrangements. Local authorities **must** display the varied admission arrangements on their website where an admission authority has raised its PAN.

Children who have been permanently excluded twice or display challenging behaviour

3.8 Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion[75]. The twice excluded rule does not apply to the following children:

a) children who were below compulsory school age at the time of the permanent exclusion;

b) children who have been reinstated following a permanent exclusion (or would have been reinstated had it been practicable to do so);

c) children whose permanent exclusion has been considered by a

[69] Regulation 23 of the School Admissions Regulations 2012.
[70] Regulation 19 of the School Admissions Regulations 2012.
[71] Section 88E of the SSFA 1998.
[72] In addition to the bodies listed at paragraph 1.47 (c), (d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area.
[73] Regulation 20 of the School Admissions Regulations 2012.
[74] See footnote 44.
[75] Section 87 of the SSFA 1998.

review panel, and the review panel has decided to quash a decision not to reinstate them following the exclusion; and

d) children with Education, Health and Care Plans naming the school.

3.9 Admission authorities **must not** refuse to admit a child on behavioural grounds in the normal admissions round or at any point in the normal year of entry, except for where paragraph 3.8 applies.

3.10 Where an admission authority receives an in-year application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour[76], it may refuse admission[77] and refer the child to the Fair Access Protocol[78].

3.11 An admission authority should only rely on the provision in paragraph 3.10 if it has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.

3.12 The provision in paragraph 3.10 cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education, Health and Care Plans naming the school in question.

3.13 Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

Fair Access Protocols

3.14 Each local authority **must** have a Fair Access Protocol to ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.

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[76] For the purposes of this Code, behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour **or** it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

[77] A child with challenging behaviour may also be disabled as defined in the Equality Act 2010. When considering refusing admission on these grounds, admission authorities must consider their duties under that Act. Admission authorities should also 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.

[78] Paragraph 1.9(g) does not apply where an admission authority takes account of past behaviour as evidence for concerns about challenging behaviour, solely for the purpose of making a decision on whether it would be appropriate to refuse admission on the basis described in paragraph 3.10.

3.15 The Protocol **must** be consulted upon and developed in partnership with all schools in its area. Once the Protocol has been agreed by the majority of schools in its area, all admission authorities **must** participate in it. Participation includes making available a representative who is authorised to participate in discussions, make decisions on placing children via the Protocol, and admitting pupils when asked to do so in accordance with the Protocol, even when the school is full[79]. Local authorities **must** provide admission authorities with reasonable notice and information as to how and when discussions around the placement of children via the Protocol will take place.

3.16 No school - including those with places available – should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are placed via the Protocol. Fair Access Protocols **must** also set out how the needs of children who have been permanently excluded, and children for whom mainstream education is not yet possible, will be met.

3.17 Fair Access Protocols may only be used to place the following groups of vulnerable and/or hard to place children, where they are having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures[80]:

a) children either subject to a Child in Need Plan or a Child Protection Plan[81] or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;

b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;

c) children from the criminal justice system;

d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;

e) children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;

f) children who are carers;

g) children who are homeless;

h) children in formal kinship care arrangements[82];

[79] Decisions about admitting children under the Protocol can be made by one individual in an admission authority provided that suitable authority has been delegated to that individual. Admission authorities must ensure this process complies with relevant governance requirements.

[80] For example, where an application has been made to at least one school and this has been refused, or the local authority has confirmed that there are no places available at any school within a reasonable distance.

[81] Child in Need Plans and Child Protection Plans are plans of help and protection to address safeguarding and welfare needs, where a child has been assessed by the local authority as being a child in need under Section 17 of the Children Act 1989 and/or as suffering or likely to suffer significant hardship under Section 47 of the Children Act 1989. See also statutory guidance Working Together to Safeguard Children (2018) (pages 35 and 48-49).

[82] As evidenced by either a child arrangements order not relating to either birth parent or a special guardianship order.

i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;

j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of this Code;

k) children for whom a place has not been sought due to exceptional circumstances[83];

l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and

m) previously looked after children for whom the local authority has been unable to promptly secure a school place[84].

3.18 Eligibility for the Fair Access Protocol does not limit a parent's right to make an in-year application to any school for their child. Admission authorities **must** process these applications in accordance with their usual in-year admission procedures (as set out in paragraphs 2.23-2.31). They **must not** refuse to admit such children on the basis that they may be eligible to be placed via the Fair Access Protocol. The parent will continue to have the right of appeal for any place they have been refused, even if the child has been offered a school place via the Fair Access Protocol.

3.19 There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, but parents' views should be taken into account.

3.20 Fair Access Protocols should seek to place a child in a school that is appropriate to any particular needs they may have. The Fair Access Protocol **must not** require a school automatically to admit a child via the Fair Access Protocol, in place of a child permanently excluded from the school.

3.21 Where it has been agreed that a child will be considered under the Fair Access Protocol, a school place **must** be allocated for that child within 20 school days. Once they have been allocated a school place via the Fair Access Protocol, arrangements should be made for the child to start at the school as soon as possible.

3.22 In the event that the majority of schools in an area can no longer support the principles and approach of their local Fair Access Protocol, they should initiate a review with the local authority. There should be a clear process for how such a review can be initiated within each Fair Access Protocol. The existing Fair Access

[83] It is for the local authority to decide whether a child qualifies to be placed via the Protocol on this basis, based on the circumstances of the case.

[84] In most cases use of the Fair Access Protocol should be unnecessary for a previously looked after child. We would expect the local authority to aim to secure a school place particularly promptly for a previously looked after child and for admission authorities to cooperate with this. The local authority may consider swift use of their general powers of direction (under paragraphs 3.26-3.28) or asking the Secretary of State to consider a direction (under paragraph 3.29) to be the most suitable course of action if a school place for a previously looked after child cannot be agreed with an admission authority promptly.

Protocol will remain binding on all schools in the local area until the point at which a new one is adopted.

Local authority powers of direction (general)

3.23 A local authority has the power[85] to direct the governing body of a maintained school for which they are not the admission authority to admit a child in their area even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

3.24 Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

3.25 If the case is referred to the Schools Adjudicator, the Schools Adjudicator may either uphold the direction, determine that another maintained school **must** admit the child or decide not to issue a direction. The Adjudicator's decision is binding. The Schools Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

Local authority powers of direction (looked after children)

3.26 A local authority also has the power[86] to direct the admission authority for any maintained school in England (other than a school for which they are the admission authority) to admit a child who is looked after by the local authority, even when the school is full. The local authority **must not** choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size[87].

3.27 Before deciding to give a direction, the local authority **must** consult the admission authority of the school it proposes to direct. The admission authority **must** tell the local authority within 7 days whether it is willing to admit the child.

[85] Sections 96 and 97 of the SSFA 1998.
[86] Sections 97A-C of the SSFA 1998.
[87] Looked after children are excepted pupils outside of the normal admissions round under the School Admissions (Infant Class Sizes) (England) Regulations 2012.

If, following consultation, the local authority decides to direct, it **must** inform the admission authority, the governing body (if the school is a voluntary controlled or community school), the local authority that maintains the school, and the head teacher. The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days. If the child has been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the governing body (if the school is a voluntary controlled or community school) may also refer the case to the Schools Adjudicator. The admission authority or governing body **must not** refer the case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or governing body does refer the case, it **must** notify the local authority that looks after the child. The local authority **must not** make a direction until the 7 days have passed and the case has not been referred.

3.28 If the case is referred to the Schools Adjudicator, the Schools Adjudicator may either uphold the direction or determine that another maintained school in England **must** admit the child. The Schools Adjudicator's decision is binding. The Schools Adjudicator **must not** direct an alternative school to admit a child unless the local authority that looks after the child agrees, nor if the child is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources.

Secretary of State's power of direction (Academies)

3.29 Where a local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child and can seek advice from the Schools Adjudicator in reaching a decision[88].

Local authority reports

3.30 Local authorities **must** produce an annual report on admissions for all the schools in their area for which they co-ordinate admissions. **From 2022**, it **must** be published locally and sent to the Schools Adjudicator by **31 October** each year covering the prior academic year[89]. The report **must** cover as a minimum:

a) information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen;

b) an assessment of the effectiveness of Fair Access Protocols including how many children were admitted to each school under it; and

c) any other issues the local authority may wish to include.

[88] Section 25(3A) of the SSFA 1998.

Appendix 1 – Relevant Legislation

1. This appendix sets out the primary legislation and regulations most relevant to admissions decisions. Admission authorities, Schools Adjudicators, appeal panels, local authorities and maintained schools **must** comply with the relevant law as well as acting in accordance with the provisions of this Code. This Code and the School Admission Appeals Code (the Codes) are applied to Academies through their Funding Agreements. The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law: that is for the courts.

Equality Act 2010

2. This Act consolidates the law prohibiting discrimination, harassment and victimisation and expands the list of protected characteristics. All schools **must** have due regard to their obligations under the Act and review their policies and practices to make sure these meet the requirements of the Act, even if they believe that they are already operating in a non-discriminatory way.

3. An admission authority **must not** discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.

4. An admission authority **must not** harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.

5. An admission authority **must not** victimise a person in relation to a protected act either done, or believed to have been done, by that person (e.g. bringing proceedings under the Equality Act 2010) in the arrangements and decisions it makes as to who is offered admission as a pupil.

6. This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.

7. Admission authorities are also subject to the Public Sector Equality Duty and therefore **must** have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

8. The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

9. Further guidance on the Public Sector Equality Duty is available in the Department for Education's Advice to Schools on the Equality Act 2010, on the website of the Government Equalities Office and from the Equality and Human Rights Commission.

Human Rights Act 1998

10. The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

11. Please note the case of R (Hounslow London Borough Council) v School Admission Appeal Panel for Hounslow (2002) regarding exceptional circumstances[90].

School Standards and Framework Act 1998

12. Chapter 1 of Part 3 of the School Standards and Framework Act 1998 contains the key provisions regarding school admissions, including the statutory basis for this Code.

13. Section 86 of the SSFA 1998 provides that the admission authority for a maintained school (with the exception of those that select wholly by ability) **must** comply with any preference expressed by a parent except where to do so would prejudice the provision of efficient education or the efficient use of resources.

14. Section 94 of the SSFA 1998 provides that parents (and in some circumstances children) may appeal against a decision to refuse admission to the school. Two or more admission authorities in the same local authority area may make joint arrangements.

15. The Codes largely include the provisions relating to school admissions made in regulations. The most relevant regulations are:

    a) The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012;

    b) The School Admissions (Infant Class Sizes) (England) Regulations 2012;

    c) The School Admissions (Appeals) (England) Regulations 2012; and

    d) The School Information (England) Regulations 2008.

[90] See https://www.bailii.org/ew/cases/EWCA/Civ/2002/900.html

Appendix 2– Sample Admission Arrangements

*These example arrangements are provided for illustrative purposes only – they are not "suggested" arrangements and should not be seen as such. Arrangements for individual schools **must** be set in the context of local circumstances.*

The school has an agreed admission number of 240 pupils for entry in year 7. The school will accordingly admit up to 240 pupils in the relevant age group each year if sufficient applications are received. All applicants will be admitted if 240 or fewer apply.

If the school is oversubscribed, after the admission of pupils with an Education, Health and Care Plan where the school is named in the Plan, priority for admission will be given to those children who meet the criteria set out below, in order:

(1) A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements, or special guardianship order[91] including those who appear [to the admission authority] to have been in state care outside of England and ceased to be in state care as a result of being adopted. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

(2) Children with a sibling attending the school at the time of application. Sibling is defined in these arrangements as children who live as brother or sister in the same house, including natural brothers or sisters, adopted siblings, stepbrothers or sisters and foster brothers and sisters.

(3) Other children by distance from the school, with priority for admission given to children who live nearest to the school as measured by using Ordnance Survey data to plot an address in this system. Distances are measured as the crow flies from the main entrance of the child's home to the main entrance of the school as specified by the local authority's GIS.

Random allocation will be used as a tie-break in category '3' above to decide who has highest priority for admission if the distance between two children's homes and the school is the same. This process will be independently verified. If a tie-break is required in earlier categories to decide who has priority for admission between two children, distance from the school will be used to decide as measured above.

[91] An adoption order is an order under the Adoption Act 1976 (see Section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see Section 46 adoption orders). A 'child arrangements order' is an order settling the arrangements to be made as to the person with whom the child is to live under Section 8 of the Children Act 1989 as amended by Section 14 of the Children and Families Act 2014. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

Admission of children outside their normal age group

Families may seek a place for their child outside of his/her normal age group under various circumstances such as ill health, if the child is gifted and talented or when the child has experienced problems.

The Admissions Timeline

The timetable and procedures for admissions are set out in both this Code and the School Admissions Regulations 2012. The admissions timeline applies to all state funded schools including Academies and Free Schools (through their funding agreement).

Local authorities have a key role in providing information to parents on admission arrangements and schools in their area and in co-ordinating school admissions for parents for all state funded schools. Local authorities will also be notified and have oversight of the outcome of all in-year applications.

In the normal admissions round, parents apply to the local authority in which they live for places at their preferred primary or secondary schools, and the local authority makes an offer of a place on National Offer Day. For late applications (those which are submitted before the first day of the first term but are too late for an offer to be made on National Offer Day), parents also apply to and receive an offer from the local authority. There is no requirement for local authorities to co-ordinate in-year applications (applications for the admission of a child to a relevant age group that are made on or after the first day of the first term, or for the admission of a child to an age group other than a relevant age group) but they **must**, on request, provide information to a parent about the places still available in all schools within its area, and a suitable form for parents to complete when applying for a place for their child at a school for which they co-ordinate in-year admissions within the area. Where a local authority receives an in-year application for a school which manages its own in-year admissions, it **must** promptly forward the application to the relevant admission authority, which **must** process it in accordance with its own in-year admission arrangements. Any parent can apply for a place for their child at any time to any school outside the normal admissions round. Parents can apply directly to own admission authority schools who are managing their own in-year applications.

Example timetable

Determination Year (2021/22)
(The school year in which admission authorities determine their admission arrangements)

Date	Relevance
1 October 2021	Earliest date to start consultation on proposed arrangements. Consultation **must** last a minimum of 6 weeks.
1 October 2021	Governing bodies **must** provide information about in-year applications to local authorities for the period until 31 August 2022.

31 October 2021	Local authority **must** publish information on their website to explain how in-year applications can be made and how they will be dealt with for the period until 31 August 2022. Governing bodies **must** also publish information about in-year applications by the same date.
1 January 2022	Deadline for the local authority to formulate a co-ordinated scheme for state funded schools in their area, including any new school or Academy which is expected to open.
31 January 2022	Deadline for the completion of the consultation on proposed admission arrangements.
28 February 2022	Deadline for admission arrangements to be determined even if they have not changed from the previous year and a consultation has not been required.
28 February 2022	After which the Secretary of State may impose a co-ordinated scheme if local agreement has not been secured by this date.
15 March 2022	Deadline for admission authorities to send a copy of their full determined admission arrangements to their local authority and publish those arrangements on the schools website or on their website (in the case of a local authority).
15 March 2022	Deadline for local authorities to publish on their website the proposed admission arrangements for any new school or Academy which is intended to open within the determination year, details of where the determined arrangements for all schools, including Academies, can be viewed, and information on how to refer objections to the Schools Adjudicator.
15 May 2022	Deadline for objections to the Schools Adjudicator.
1 August 2022	Deadline for admission authorities to inform the local authority whether they intend to be part of the local authority's in-year co-ordination scheme and provide all information to the local authority that the local authority is required to publish on its website in relation to how in-year applications can be made from September onwards.
8 August 2022	Deadline for governing bodies to provide admission arrangements information to the local authority to allow them to compile composite prospectus.
31 August 2022	Deadline for local authorities to publish on their website details about how in-year applications can be made and how they will be dealt with from the September onwards for all schools in their area. Governing bodies **must** also publish information about in-year applications by the same date.

Offer Year (2022/23)

Date	Relevance
12 September 2022	Deadline for local authorities to publish composite prospectus.
31 October 2022	National closing date for secondary school applications.
31 October 2022	Deadline for local authorities to report to the Schools Adjudicator on admission arrangements in their area.
15 January 2023	National closing date for primary school applications.
28 February 2023	Deadline for admission authorities to publish their appeals timetable on their website.
1 March 2023	National offer day for secondary school places.
16 April 2023	National offer day for primary school places.

Appeals

The timescales within which admission authorities **must** ensure that appeals are heard are detailed in Section 2 of the School Admission Appeals Code. For example, for applications made in the normal admissions round, appeals **must** be heard within 40 days of the deadline for lodging appeals.

Admission Year (2023/24)

Date	Relevance
September 2023	New intake starts at school.

Glossary

Academic Year

A period commencing with 1 August and ending with the next 31 July, as defined by Section 88M of the SSFA 1998.

Admission Authority

The body responsible for setting and applying a school's admission arrangements. For community or voluntary controlled schools, this body is the local authority unless it has agreed to delegate responsibility to the governing body. For foundation or voluntary aided schools, this body is the governing body of the school. For Academies, this body is the Academy Trust.

Admission Arrangements

The overall procedure, practices and oversubscription criteria used in deciding the allocation of school places including any device or means used to determine whether a school place is to be offered.

Admission Number (or Published Admission Number – (PAN))

The number of school places that the admission authority must offer in each relevant age group of a school for which it is the admission authority. Admission numbers are part of a school's admission arrangements.

Banding

A system of oversubscription criteria in which all children applying for a place at a banding school are placed into ability bands based on their performance in a test or other assessment. Places are then allocated so that the school's intake either reflects the ability profile of those children applying to the school, those children applying to a group of schools banding jointly, the local authority ability profile or the national ability profile.

Catchment Area

A geographical area, from which children may be afforded priority for admission to a particular school. A catchment area is part of a school's admission arrangements and must therefore be consulted upon, determined, and published in the same way as other admission arrangements.

Common Application Form (CAF)

The form parents complete, listing their preferred choices of schools, and then submit to local authorities when applying for a school place for their child as part of the local co-ordination scheme, during the normal admissions round. Parents must be allowed to express a preference for a minimum of three schools on the relevant common application form as determined by their local authority. Local authorities may allow parents to express a higher number of preferences if they wish.

Composite prospectus

The prospectus that a local authority is required to publish by 12 September in the offer year. This prospectus must include detailed admission arrangements of all maintained schools and academies in the area (including admission numbers and catchment areas).

Conditionality

Oversubscription criterion that stipulates conditions which affect the priority given to an application, for example taking account of other preferences or giving priority to families who include in their other preferences a particular type of school (e.g. where other schools are of the same religious denomination). Conditionality is prohibited by this Code.

Co-ordination / Co-ordinated Scheme

The process by which local authorities co-ordinate the distribution of offers of places for schools in their area. All local authorities are required to co-ordinate the normal admissions round and late applications for primary and secondary schools in their area. There is no requirement for local authorities to co-ordinate in-year admissions, but they can offer to do so if they wish. Own admission authority schools can take in-year applications directly from parents, provided they notify their local authority of each application and its outcome.

Determined Admission Arrangements

Admission arrangements that have been formally agreed by the admission authority, for example, agreed at a meeting of the admission authority and the decision recorded in the minutes of the meeting.

Determination Year

The school year immediately preceding the offer year. This is the school year in which admission authorities determine their admission arrangements.

Education, Health and Care Plan

An Education, Health and Care Plan is a plan made by the local authority under Section 37 of the Children and Families Act 2014 specifying the special education, health and social care provision required for that child.

First Preference First

Oversubscription criterion that giving priority to children according to the order of other schools named as a preference by their parents, or only considering applications stated as a first preference. The First Preference First oversubscription criterion is prohibited by this Code.

Governing Bodies

School governing bodies are bodies corporate responsible for conducting schools with a view to promoting high standards of educational achievement. Governing bodies have three key roles: setting strategic direction, ensuring accountability, and monitoring and evaluation.

Grammar Schools (designated)

These were the 163 schools that were designated under Section 104(5) of the SSFA 1998 as grammar schools. A 'grammar school' is defined by Section 104(2) of that Act as a school which selects all (or substantially all) of its pupils on the basis of general (i.e. academic) ability. At the time of publication, most grammar schools have converted to Academy status.

Home Local Authority

A child's home local authority is the local authority in whose area the child resides.

Infant Class Size Exceptions

The School Admissions (Infant Class Sizes) (England) Regulations 2012 permit children to be admitted as exceptions to the infant class size limit. These are set out in paragraph 2.15.

Infant Class Size Limit

Section 1 of the SSFA 1998 limits the size of an infant class (i.e. a class in which the majority of children will reach the age of five, six or seven during the school year) to 30 pupils per school teacher.

In-year application

An application is an in-year application if it is for the admission of a child to a relevant age group and it is submitted on or after the first day of the first school term of the admission year; or it is for the admission of a child to an age group other than a relevant age group.

Late application

Late applications are applications for entry in a relevant age group which are submitted before the first day of the first term in the admission year but have not been made in time to enable the local authority to offer a place on National Offer Day.

Local Government and Social Care Ombudsman

An independent, impartial, and free service that investigates complaints about maladministration of certain public bodies.

Looked After Children (see also Previously Looked After Children)

Children who are in the care of local authorities as defined by Section 22 of the Children Act 1989. In relation to school admissions legislation a 'looked after child' is a child in public care at the time of application to a school.

Maintaining Local Authority

The area in which a school is located is referred to as the maintaining local authority.

National Offer Day

The day each year on which local authorities are required to send the offer of a school place to all parents in their area. Secondary National Offer Day is 1 March (or the next working day). Primary National Offer Day is 16 April (or the next working day).

Nodal Point

A fixed geographical point, other than the location of the school, from which children may be afforded priority for admission to a particular school, based on the distance from the child's home to the nodal point. A nodal point is part of a school's admission arrangements and must therefore be consulted upon, determined, and published in the same way as other admission arrangements. The selection of such a point must be clearly explained and made on reasonable grounds.

Normal Admissions Round

The period during which parents are invited to express a minimum of three preferences for a place at any state-funded school, in rank order on the common application form provided by their home local authority. This period usually follows publication of the local authority composite prospectus on 12 September, with the deadlines for parental applications of 31 October (for secondary places) and 15 January (for primary places), and subsequent offers made to parents on National Offer Day as defined above.

Offer Year

The school year immediately preceding the school year in which pupils are to be admitted to schools under the admission arrangements in question. This is the school year in which the offers of school places are communicated.

Oversubscription

Where a school has a higher number of applicants than the school's published admission number.

Oversubscription Criteria

This refers to the published criteria that an admission authority applies when a school has more applications than places available in order to decide which children will be allocated a place.

Previously Looked After Children

Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order).

Reception Class

Defined by Section 142 of the SSFA 1998 as a class in which education is provided which is suitable for children aged five and any children who are under or over five years old whom it is expedient to educate with pupils of that age.

Relevant Accommodation

The term ‘relevant accommodation’ is used in relation to the proposed local authority duty to provide support to victims of domestic abuse and their children. For the purposes of this Code ‘relevant accommodation’ is 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.

Relevant Age Group

The age group to which children are normally admitted. Each relevant age group must have admission arrangements, including an admission number. Some schools (for example schools with sixth forms which admit children into the sixth form) may have more than one relevant age group.

Relevant Area

The area for a school (determined by its local authority and then reviewed every two years) within which the admission authority for that school must consult all other prescribed schools on its admission arrangements.

Schools Adjudicator

A statutory office-holder who is appointed by the Secretary of State for Education but is independent. The Schools Adjudicator decides on objections to determined admission arrangements of all state-funded schools and variations of determined admission arrangements for maintained schools. The Schools Adjudicator also deals with referrals of directions by local authorities to maintained schools to admit a child and provides advice on requests to the Secretary of State by local authorities to direct academies to admit children.

School Year

The period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July, as defined by Section 579 of the Education Act 1996.

Twice Excluded Pupils

A child who has been permanently excluded from two or more schools.

Waiting Lists

A list of children held and maintained by the admission authority when the school has allocated all of its places, on which children are ranked in priority order against the school’s published oversubscription criteria.

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COMMENCEMENT SUBJECT TO PARLIAMENTARY SCRUTINY

CCS0521535686
978-1-5286-2575-3