

# School Admissions Code 2021

## Briefing for schools on the changes

### Introduction

Last year, the government consulted on changes to the School Admissions Code (the Code) which resulted in a new Code coming into force on 1 September 2021.

Here are the links to the new [Admissions Code \(2021\)](#) and the [supporting regulations](#). The government have also provided updated guidance on [Fair Access Protocols](#) and [identifying children from state care outside of England](#).

### Purpose of the changes to the School Admissions Code

The DfE have advised that the main purpose of these changes was to improve support for the in-year admission of vulnerable children. The changes include introducing more detail on the process for managing in-year admissions; changes to improve the effectiveness of Fair Access Protocols; giving equal admissions priority to children adopted from state care outside of England as those previously looked after in England; and clarification of the addresses to be used in the admission of service or crown servant children. There are also further minor clarification changes.

While the Local Authority is responsible for co-ordinating the main admissions process for all schools, individual schools may have a different admissions authority depending on their designation. The admissions authority is responsible for admissions related decisions, so it's important for you to know who your school's admissions authority is when reading the remainder of this guide. The table below sets out the admission authority for each type of school in England.

Type of School	Who is the admission authority?
Academies (including Free Schools)	Academy Trust ( <a href="#">Own Admissions Authority</a> )
Foundation Schools	Governing body ( <a href="#">Own Admissions Authority</a> )
Voluntary aided schools	Governing body ( <a href="#">Own Admissions Authority</a> )

Community Schools	Local Authority
Voluntary controlled schools	Local Authority

**A reminder that all schools are required comply with the Code and the law relating to admissions**

Paragraph	Change from current code	Comments	Action
<b>Section 1:</b>			
1.4	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.	<b>Relevant Age Group</b> 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.	<b>ALL SCHOOLS TO TAKE NOTE</b> To be aware that admission authorities may not refuse admission to other age groups on the grounds that they have already reached their PAN.
1.7	All schools <b>must</b> have oversubscription criteria for each 'relevant age group' and the highest priority <b>must</b> be given, unless otherwise provided in this Code, to looked after children 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. 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 arrangement order or special guardianship order).	Admission authorities must add, 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	<b>ALL SCHOOLS TO TAKE NOTE</b> <b>ALL OWN ADMISSION AUTHORITY SCHOOLS TO TAKE ACTION</b>  Own admissions authorities will need to amend their 21/22 & 22/23 policies to reflect this change

Paragraph	Change from current code	Comments	Action
1.13	The selection of a nodal point <b>must</b> be clearly explained and made on reasonable grounds.	<b>Nodal Point</b> A fixed geographical point, other than the location of the school, from which children may be offered priority for admission to a specific 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.	<b>ALL OWN ADMISSION AUTHORITY SCHOOLS TO TAKE ACTION</b>  None unless your policy uses a fixed geographical point, other than the location of the school, from which children may be offered priority for admission to a specific school.  If the policy does use a fixed point just make sure it meets the requirements in the code
1.40	Admissions authorities <b>must</b> specify in their admission arrangements how the priority of children of staff at the school will be applied, for example, which groups of staff it will apply to.	Added to make it clear about using children of staff in a policy	<b>ALL OWN ADMISSION AUTHORITY SCHOOLS TO TAKE ACTION</b>  To check if you have children of staff in a policy, that your policy specifies how this priority will be applied
1.49	All admission authorities <b>must</b> determine their admission arrangements, including their PAN, every year	The code has added in that admission authorities <b>must</b> determine their PAN every year	<b>ALL OWN ADMISSION AUTHORITY SCHOOLS TO TAKE ACTION</b> ensure they include their PAN in their policy
<b>Section 2</b>			
2.4	An applicant <b>must not</b> be given additional priority solely on the basis of having completed a supplementary form	To take note	<b>ALL SCHOOLS TO TAKE NOTE</b>
2.7	The admission authority <b>must</b> keep a clear record of any decisions on applications, including in-year applications.	A reminder that admission authorities <b>must</b> allocate places on the basis of their determined admission	<b>ALL OWN ADMISSION AUTHORITY SCHOOLS TO TAKE NOTE</b>

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		<p>arrangements only. A decision to offer or refuse admission <b>must not</b> 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, <b>must</b> make such decisions</p>	
2.21	<p>For families of service personnel with a confirmed posting, or crown servants returning from overseas, admission authorities must:</p> <p>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.</p> <p>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.</p>	<p>This process is already common practice in Kent as wording improvements in the Code are only intended to provide greater clarity</p>	<p><b>ALL SCHOOLS TO TAKE NOTE</b></p>

Paragraph	Change from current code	Comments	Action
<b>Section 2 : In-Year NEW SECTION</b>			
2.23	<p>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 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 <b>must</b> publish information on their website by <b>31 October 2021</b> to explain how in-year applications can be made and how they will be dealt with from 1 November 2021 until 31 August 2022. <b>In all subsequent years</b>, local authorities <b>must</b> publish information on their website by <b>31 August</b> 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 <b>must</b> also set out contact details for any admission authority that manages its own in-year admissions.</p>	No action for schools however schools should be aware of this point	<b>ALL SCHOOLS TO TAKE NOTE</b>
2.24	<p>To enable local authorities to do this, <b>in 2021</b> own admission authority schools <b>must</b> inform the local authority by <b>1 October</b> whether they intend to be part of the local authority's in-year co-ordination scheme for the</p>	The code is putting the requirement on own authority schools to tell the LA by a set date if they plan to be part of the local authority's in-	<p><b>ALL OWN ADMISSION AUTHORITY SCHOOLS TO TAKE NOTE</b></p> <p>As KCC does not currently co-ordinate In Year admissions, it will</p>

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	period to 31 August 2022 (where this is offered). <b>In all subsequent years</b> , own admission authorities <b>must</b> inform the local authority by <b>1 August</b> at the latest.	year co-ordination scheme.	automatically record all schools as managing their own In Year admissions processes
2.24	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 <b>must</b> inform the local authority, they <b>must</b> also provide the local authority with all the information that the local authority is required to publish on its website, including application forms.	The code is putting the requirement on own authority schools who opt in to the co-ordinated scheme to provide the local authority with all the information that the local authority is required to publish on its website, including application forms	<b>ALL OWN ADMISSION AUTHORITY SCHOOLS TO TAKE NOTE</b>  As KCC does not currently co-ordinate In Year admissions this requirement will not be necessary
2.25	Local authorities <b>must</b> 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 <b>must</b> promptly forward the application to the relevant admission authority, which <b>must</b> process it in accordance with its own in-year admission arrangements.	This already happens in Kent	<b>ALL OWN ADMISSION AUTHORITY SCHOOLS TO TAKE NOTE</b>  There will be no change to the current process
2.26	In 2021, own admission authorities and governing bodies <b>must</b> set out on the school's website by <b>31 October 2021</b> how in-year applications will be dealt with from the 1 November 2021 until 31 August 2022. <b>In all subsequent years</b> , they <b>must</b> set out by <b>31 August</b>	The code is putting the requirement on schools to publish information on the school's website about how to apply for an in-year place	<b>ALL SCHOOLS TO TAKE ACTION</b>  All schools to check they comply with new requirement, although it is expected that most schools will already explain how the In Year

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	<p>at the latest each year, on the school's website how in-year applications will be dealt with from the <b>1 September</b> until the following <b>31 August</b>. They <b>must</b> 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 <b>must</b> provide information on where parents can find details of the relevant scheme. An admission authority, governing body or local authority <b>must</b> provide a hard copy of the information about in-year applications on request for those who do not have access to the internet.</p>		Admissions process works in Kent
2.27	<p>Local authorities <b>must</b>, 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 <b>must</b> 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 <b>two school days</b></p>	<p>The code now requires schools to provide the information within 2 days of being asked</p>	<p><b>ALL SCHOOLS TO TAKE ACTION</b></p>

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	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 <b>must</b> offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria.	The code is reiterating that with the exception of designated grammar schools, all maintained schools, and academies, including schools designated with a religious character, that have places available <b>must</b> offer a place to every child who has applied for one,	<b>ALL SCHOOLS TO TAKE NOTE</b>
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 <b>must</b> allocate places on the basis of the oversubscription criteria in their determined admission arrangements only. If a waiting list is maintained, it <b>must</b> be maintained in line with paragraph 2.15.	The code is reminding everyone regarding operating waiting lists	<b>ALL SCHOOLS TO TAKE NOTE</b>
2.30	Parents <b>must not</b> 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 <b>10 school days</b> , but they <b>must</b> be notified in writing within <b>15 school days</b> . Where an application is refused, the admission authority <b>must</b> also set out the reason for refusal and	The code is putting in a requirement that schools should aim to notify the parents of the outcome of their application in writing within 10 school days, but they <b>must</b> be notified in writing within 15 school days.	<b>ALL SCHOOLS TO TAKE NOTE</b>  These timeframes should be considered as exceptional limits and wherever possible offers should be made without delay.  <b>If school has a place they must allocate, and allocations should not be held up due to waiting to invite parents in for an admissions meeting ref to point 2.9 of the code</b>



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	information about the right to appeal in accordance with paragraph 2.32.		
2.30	Where an admission authority manages its own in-year admissions, it <b>must</b> also notify the local authority of every application and its outcome as soon as reasonably practicable, but should aim to be within <b>two school days</b> , 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.	The code is putting in a requirement whereby schools <b>must</b> notify the local authority of every application and its outcome as soon as reasonably practicable, but should aim to be within two school days	<b>ALL SCHOOLS TO TAKE ACTION</b>
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.	The code is putting a requirement for children to start school as soon as possible, particularly where the child is out of school.	<b>ALL SCHOOLS TO TAKE ACTION</b>
<b>Section 3</b>			
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. 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);	The code has added a new criterion for children where the twice excluded rule does not apply.  The new criterion is c) children whose permanent exclusion has been considered by a review panel, and the review panel has decided to quash a decision not to reinstate them following the exclusion;	<b>ALL SCHOOLS TO TAKE NOTE</b>

Paragraph	Change from current code	Comments	Action
	c) children whose permanent exclusion has been considered by a 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 <b>must not</b> 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	The code has updated the reasons why schools cannot refuse to admit	<b>ALL SCHOOLS TO TAKE NOTE</b>
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, it may refuse admission and refer the child to the Fair Access Protocol	This is new in the code, but should be read in conjunction with 3.11 and 3.12	<b>ALL SCHOOLS TO TAKE NOTE</b>
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.	This is new in the code	<b>ALL SCHOOLS TO TAKE NOTE</b>
3.12	The provision in paragraph 3.10 cannot be used to refuse admission to looked after children, previously looked	This is new in the code	<b>ALL SCHOOLS TO TAKE NOTE</b>

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	after children; and children who have Education, Health and Care Plans naming the school in question		
3.15	The Protocol <b>must</b> 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 <b>must</b> 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. Local authorities <b>must</b> 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.	This was 3.9 in the old code and has been updated	<b>ALL SCHOOLS TO TAKE NOTE</b>
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	The list has been updated to include the following new groups  a) Children either subject to a Child in Need Plan or a Child Protection Plan 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	<b>ALL SCHOOLS TO TAKE NOTE</b>

Paragraph	Change from current code	Comments	Action
		<p>point of being referred to the Protocol;</p> <p>c) children in formal kinship care arrangements (see definition 82 on page 33 of the code)</p> <p>d) 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;</p> <p>e) children for whom a place has not been sought due to exceptional circumstances (see definition 83 on page 33 of the code)</p> <p>f) previously looked after children for whom the local authority has been unable to promptly secure a school place (see definition 84 on page 33 of the code)</p> <p>.</p>	
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 <b>must</b> process these applications in accordance with	This is new in the code	<p><b>ALL SCHOOLS TO TAKE NOTE</b></p> <p>in-year applications <b>MUST</b> be processed</p>

Paragraph	Change from current code	Comments	Action
	their usual in-year admission procedures (as set out in paragraphs 2.23-2.31). They <b>must not</b> 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.	This is new in the code	<b>ALL SCHOOLS TO TAKE NOTE</b>
3.21	Where it has been agreed that a child will be considered under the Fair Access Protocol, a school place <b>must</b> be allocated for that child <b>within 20 school days</b> . 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.	This is new in the code	<b>ALL SCHOOLS TO TAKE NOTE</b> A school place <b>must</b> be allocated for that child within 20 school days
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	This is new in the code	<b>ALL SCHOOLS TO TAKE NOTE</b>