

The Department for Education consulted on a revised Admissions Code which was determined by Parliament on 19th December 2014, which can be found [here](#). To aid schools and admissions authorities understand the implication of these changes, Fair Access has put together the following summary.

Pupil Premium and Service Premium Priority (para:1.9f, 1.39A,)

The pupil premium is additional funding provided to schools to support disadvantaged pupils from Reception to Year 11 in reaching their potential and help schools reduce educational inequalities. Service Premium is a separate grant paid to schools and local authorities to support children whose parents are currently or have previously served in the Armed Forces.

The 2012 Admissions Code allowed Academies and Free Schools to give admission priority to these children through their funding agreement. This provision has now been extended to all schools.

There is no legal requirement for school to include this priority, but they now have the freedom to do so if they wish. Any admissions authority wishing to implement such a priority would be required to consult with parents and key stakeholders as a part of the normal admissions consultation and determination process.

The DfE have provided guidance to help interested schools consider how this priority can be included. It can be found [here](#).

Early Years Pupil Premium, Pupil Premium and Service Premium in Nurseries Priority (para 1.9e, 1.9f, 1.39B)

This change will enable admission authorities of primary schools to give priority in their admission arrangements to disadvantaged children who are eligible for the early year pupil premium, the pupil premium or service premium and have attended a nursery that is part of the school.

Admissions authorities should be aware that this change does not allow schools to give priority to any child in attached nurseries that is not in receipt of these premiums. The Schools Adjudicator has reaffirmed that arrangements that include nursery links beyond these selected premiums are unfair and will direct schools to remove such criteria. The LA is required to forward any admissions arrangements that include such priority to the Schools Adjudicator for consideration.

The DfE guidance linked above also provides guidance for inclusion of this new priority.

Parental Right to Defer Entry (Primary and Infant schools only) (Para 2.16)

Previous Admission Codes have only given parents the right to request that their child defers entry into Reception year (until the term following their fifth birthday, but not beyond the beginning of the final term). Parents also had the

right to request that the child started part time (until the term following their fifth birthday). The new Admissions Code makes this an absolute right which schools are obliged to facilitate.

Equally, every child is entitled to a full-time place in the September following their fourth birthday. Schools that have historically operated a mandatory staggered intake into reception, including short-term part-time sessions building to full-time entry over a period of weeks should be aware that parents can now require schools to take their child full-time from the start of term.

Schools that have historically had a policy of requiring children to start full-time from the beginning of the first term and have refused all parental requests for staggered entry can no longer do so.

The only restriction is that children must secure the offered place by starting school on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day), but not beyond the beginning of the final term. The prescribed days are 31 December, 31 March and 31 August.

This means that children born between the 1 April and 31 August (also known as “summer born”) must start school at the beginning of the April term if they wish to keep their offer. Where parents wish for their summer born child to defer entry until the start of Year 1, they must refuse their offered place, which may be offered to a different child, and then reapply through the In Year process. These applications should be made during the last month of Reception Year.

Schools should be aware of the funding implications this change will cause. Funding is driven by children who are on role and attending the school and is measured using the October School Census. There is currently no mechanism for schools to receive funding for a child that does not appear on the October School Census. Schools should be mindful of this limitation when discussing deferral of entry, but ultimately the parent has the final decision.

If a parent chooses to defer their child’s entry to school, the child remains entitled to a funded early education place of 15 hours a week for 38 weeks of the year until they are admitted to school.

Summer Born Children and Admission Outside of Expected Year Group (para 2.17, 2.17A, 2.17B)

As detailed above, children born between 1 April and 31 August (summer born children) are not legally required to start school until the beginning of Year 1. While the vast majority of summer born children will start at some point in their expected year group, flexibilities exist for children whose parents do not feel they are ready to begin school before they reach compulsory school age and also do not wish for their child to miss Reception year.

The DfE have confirmed that there is no legal barrier to children being admitted out of their normal age group, but also state that parents do not have the right to insist that their child is admitted to a particular year. As such parents must gain agreement from the admission authorities of all preferred schools before an application can be made. Admissions authorities and parents must be clear that this agreement is only in relation to a child to applying for a place in a different year group. There is no guarantee that once a parent has secured agreement from a school or schools to be considered for admission in that year group, that they will actually be offered a place for their child. All offers are made in accordance with a school's oversubscription criteria, which will not prioritise or penalise a child because of their age.

Schools should meet with parents as early possible to explain how their child will be supported should they start school at the normal time. Teachers are skilled at differentiating the curriculum to meet a diverse range of needs. They may also be able to allay any concerns the parent may have about their child's readiness for school.

Admissions authorities must take into account the child's individual needs and abilities and cannot have a blanket policy to refuse all out of year group applications. While the admissions authority of the school is responsible for the decision, the guidance states that the views of the head teacher should be an important part of this consideration.

Parents do not have to provide evidence to support their application, however, admissions authorities may struggle to agree where evidence is absent. There should be no expectation on parents, however, to obtain professional evidence that they do not already have. Any evidence should be specific to the child, not research into the performance of summer born children in general.

Parents should be reminded that this process will need to be repeated each time the child changes school. While the guidance prompts schools to be mindful of the age group a child has previously been taught in, they are under no obligation to agree and continue to teach a child out of year.

Once the child has started school, it is for the head teacher to decide how best to educate them. Any future decision to move a child to a different age group should be based on sound educational reasons in conjunction with the parents.

Children are assessed when they reach the end of each key stage, not when they reach a particular age. There are no age requirements as to when children must take their GCSEs or other assessments. However, a child ceases to be of compulsory school age on the last Friday of June in the school year they become 16. While the law is changing so that all young people will be required to continue in education or training until the end of the academic year in which they turn 18, young people will have a choice about where they do this. As such, they could leave school before completing their GCSEs.

Parents do not have a right of appeal if they have been offered a place and it is not in the year group they would like. However, they may make a complaint about an admission authority's decision not to admit their child outside the normal age group through the school or authority's complaints procedure.

Schools are funded for the number of pupils they have on roll, regardless of their age.

Kent's scheme details the process for handling out of year applications:

- Parents should make an application for their child's normal age group at the usual time, in case their request is not agreed. At the same time, parents should approach the admission authority of each school to request the right to apply outside of the normal age group. The decision of one admission authority is not binding on another, but where one Community or Voluntary Controlled school is in agreement, KCC would expect all other named Community or Voluntary Controlled schools to agree unless they had strong reasons not to.
- Admissions authorities should ensure that parents receive a response to their request in writing before national offer day.
- If their request is agreed, their application for the normal age group should be withdrawn.
- Parents should then make a new application as part of the main admissions round the following year. Parents must apply using a paper application sent directly to the LA and include a copy of the agreement from each named school.

The DfE have provided their own guidance to help schools consider the implication of this change. It can be found [here](#).

Admission Arrangements must Reference Applications for Children to be Taught Outside their Expected Year Group (para 2.17)

In light of the guidance above, the new Admission Code requires all schools, including Secondary schools, to clarify in their admissions arrangements the process for parents to request for their child to be taught outside their expected year group. Admission authorities will not need to consult to add this to their admissions arrangements as it is a legal requirement. Admissions authorities are free to use the LA's wording below as a starting point:

Requests for admission outside of the normal age group should be made to the Headteacher of each preferred school as early as possible in the admissions round associated with that child's date of birth. This will allow the school and admissions authority sufficient time to make a decision before the closing date. Parents are not expected to provide evidence to support their request to defer their application, however where provided it must be specific to the child in question. This might include medical or Educational Psychologist reports. There is no legal requirement for this medical or educational evidence to be secured from an appropriate professional,

however, failure to provide this may impede a school's ability to agree to deferral. Parents are required to complete an application for the normal point of entry at the same time, in case their request is declined. This application can be cancelled if the school agrees to accept a deferred application for entry into Year R the following year. Deferred applications must be made via paper CAF to the LA, with written confirmation from each named school attached. Deferred applications will be processed in the same way as all applications for the cohort in the following admissions round, and offers will be made in accordance with each school's oversubscription criteria.

Admission of Previously Looked After Children (para 1.7, 2.5)

The Code clarifies that the provision giving highest priority for admission to looked after and previously looked after children applies to all children who have been adopted from local authority care. This change simply brings the Code in line with current legislation and will not have any practical impact on schools or the admissions process in Kent.

Admissions Timetable (para 1.42, 1.43, 1.46, 1.47, 1.49, 1.50, 2.20, 2.21, 3.1, 3.5)

The DfE have made changes to certain elements of the Admissions timetable to ensure admissions arrangements are lawful by the time parents are applying for school places. In effect, this has made the consultation and determination window deadlines earlier and slightly reduced the length of time admission authorities have to consult for.

The Code has also imposed a new deadline following a decision by the Schools Adjudicator that arrangements require amending. Admissions authorities are now legally required to comply with an adjudication within two months of the adjudicator's decision or by the deadline for determination, whichever comes sooner.

A summary of date changes can be found below:

Activity	Current Timetable	Revised Timetable
Earliest date to start consultation on proposed arrangements	1 November	1 October
Deadline for completion of consultation on arrangements	1 March	31 January
Minimum length of consultation	8 weeks	6 weeks
Deadline for admission arrangements to be determined	15 April	28 February

Deadline for notification of a qualifying scheme for co-ordination	15 April	28 February
Deadline for admission authorities to send determined arrangements to LA	1 May	15 March
Deadline for objections to the Schools Adjudicator	30 June	15 May
Deadline for admission authorities to comply with a decision of the Schools Adjudicator	As quickly as possible but no later than the 15 April (the deadline for determination)	Within two months, or by 28 February (the deadline for determination), where the period before then is less than two months.

Selection by Aptitude (para 1.24)

The Code makes it clear that the **only** subjects a school can offer up to 10 percent of their total admissions intake to are as follows:

- physical education or sport, or any one or more sports;
- the performing arts, or any one or more of those arts;
- the visual arts, or any one or more of those arts;
- modern foreign languages, or any such language; and
- 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.

Statement of Special Educational Needs / Education, Health and Care Plan (para 1.6)

The Admission Code requires that all admissions arrangements include a explanation regarding the management of offers for children with Statements of SEN. Schools are no doubt aware that the Statements of SEN have been replaced with Education, Health and Care Plans (ECHPs). As parents will be transitioning from Statements to ECHPs the LA suggests admission authorities use the following wording in their arrangements:

Before the application of oversubscription criteria, children with a Statement of Special Educational Need or Education, Health and Care Plan which names the school will be admitted. As a result of this, the published admissions number will be reduced accordingly.

When all children have successfully transitioned to ECHPs, reference to Statements can be removed.