

Enquiries: Nicola Sharpe

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Infant, Junior, Primary and Secondary Headteachers & Principals
and Chair of Governors.

Dear Colleague

Revised Statutory Admission Code of Practice – Update and for Action

As you are aware, last year the government consulted on changes to the statutory School Admissions Code and the Government has been considering the responses. The new Code and associated regulations were laid in parliament and following parliamentary procedure they will come into force on 1 September 2021.

The main purpose of these changes is 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 children adopted from state care outside of England equal admissions priority as children who were previously looked after in England; and clarification of which address to use for the admission of service or crown servant children.

All Admission Authorities must comply with the Code. Here are the links to the [Code](#) as laid in parliament, the [supporting regulations](#), and the [Explanatory Memorandum](#).

The Local Authority has a statutory duty to co-ordinate admissions at the normal year of entry (Reception, Y3 and Y7). It is not required to co-ordinate in-year admissions but may do so if schools agree. In year co-ordination continues to be supported by schools with safeguarding and the tracking of children being one of the objectives.

There are specific actions that must be undertaken by the Local Authority on behalf of Community and Voluntary Controlled Schools and by schools and Academies that are their own Admission Authority. I have summarised these below for ease of reference:

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Code Ref.	Action	By whom:	Comment
2.23	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.	Local Authority	
2.24	All schools that are their own Admission Authority will be required to inform the LA if they wish to participate in the non-statutory co-ordinated admission scheme by 1 October 2021	Own Admission Authority schools	Own Admission Authorities must confirm whether they wish to participate or will be managing their own in-year admissions. An email to Admissions.transport@derbyshire.gov.uk will suffice. If we do not receive a response by 20 September, we will assume you wish to continue participating in the LA co-ordinated scheme for In Year requests.

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	for the period up to July 22 and then by 1 August in all subsequent years		No response is required from Community and Voluntary Controlled Schools.
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)	Own Admission Authority Schools	I have provided a proposed statement below that would cover this requirement that you may wish to use or adapt. Any school that does not wish to participate in the co-ordinated scheme must set out its own arrangements for considering in-year applications on its website.

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	<p>If a school does not wish to participate in the Local Co-ordinated Scheme, it must set out on its website how in-year applications can be made.</p>		
2.27	<p>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.</p>	<p>Own Admission Authorities</p>	

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2.30	<p>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.</p> <p>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.</p> <p>Where an admission authority manages its own in-year admissions, it must also notify the local authority of every application and its</p>	LA & Own Admission Authority	<p>For the first time, this provision places a statutory timeframe on responding to application requests. The current co-ordinated scheme requests a response within 5 school days. It is proposed to retain this timescale to enable the LA to respond to parents within 10 school days.</p> <p>For any school that wishes to manage its own admissions, they would be required to provide a written response to parents within the same timescale. The school would also have to notify the LA of its decision so that it can maintain accurate numbers.</p>
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	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.		
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Proposed wording for School Website

For schools participating in the Local Authority Co-ordinated Admission scheme, you may wish to use or adapt the following to comply with para 2.26 above:

In-Year Admissions

(School name) participates in the Local Authority's Co-ordinated Admission Scheme for in-year admissions. Details of the Co-ordinated Admission Scheme and how in-year applications are managed can be seen at [Changing schools - Derbyshire County Council](#)

Challenging Behaviour

All schools are normally expected to offer a school place if there is availability. The Code makes provision at Paragraph 3.10 for a school to refuse such an application on the grounds that the year group is challenging, and the child has challenging behaviour. This provision was in the original code. The new Code provides further

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explanation of what can be classed as “challenging” behaviour” The new code provides the following definition of “Challenging Behaviour”

*“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”*

This is the test by which any such refusals will be considered by the Authority and any school wishing to refuse a place on these grounds will be required to evidence this with specific details.

If you require any further clarification or have any questions about any of the above requirements, please do not hesitate to contact me.

Yours sincerely



Business Services Manager

(School Admissions and Transport Team)