

School Admission and Fair Access Report: Implications of the requirements of the proposed new School Admissions Code

Schools Forum report 24th June 2021

1. Purpose of Report

- 1.1. This report provides members of the Schools Forum with an overview of the implications of the proposed new School Admissions Code (2021).
- 1.2. The report identifies costed and planned activity to meet those requirements and seeks Schools Forum approval to fund the School Admissions and Fair Access Service to an additional £160,548 per annum.

2. Report Summary

- 2.1. A new School Admissions Code (the Code) has been consulted upon, has been laid before parliament and is expected to be approved on or around 1st July and to come into force from 1st September 2021.
- 2.2. The government has proposed changes to the Code which aim to improve support for the in-year admission of vulnerable children and help reduce to a minimum any gaps in their education.
- 2.3. To deliver the required changes, support schools to do the same and to support the education of vulnerable children it is proposed to increase the staffing within the School Admissions and Fair Access Service and to establish a bespoke in-year team of four staff reporting to the current in-year lead officer.
- 2.4. A now restructured School Admission and Fair Access Service and embedded Schools Portal provide a bedrock to establish this new team but are not sufficient in themselves to meet the new requirements in addition to the continuing pressure on the in-year system.

3. Introduction and Background

- 3.1. The School Admissions Code 2014 (the Code) ensures that school places for maintained schools and academies (excluding maintained special schools and special academies) are allocated fairly. Admission authorities for maintained schools and academies must comply with the Code.
- 3.2. The School Admissions and Fair Access report submitted to Schools Forum on 19th November 2020 confirmed that: 'A new draft Schools Admission Code has been consulted upon with the consultation period running from 26th June 2020 to 16th October 2020. The consultation process and changes focused on improvements to the in-year admissions and related Fair Access process. The

expectation is of a requirement for schools and the local authority to ensure a faster response to in-year applications and admission. Related resource implications will not be clear until the new code is formally agreed and in place.

- 3.3. The government has proposed some changes to the Code which aim to improve support for the in-year admission of vulnerable children and help reduce to a minimum any gaps in their education. These changes are in response to the recommendations made in the Children in Need Review and the Domestic Abuse White Paper.

The draft Code and associated regulations were laid before Parliament on 13 May 2021. [The proposed Code is available at this link.](#)

- 3.4. The Code is laid in Parliament for a 40-day period during which both the House of Commons and the House of Lords have the opportunity to review the Code and any member can pass a motion to not approve it. This 40-day period is expected to expire on 1 July, and provided there is no such motion, the new Code will come into force on 1 September 2021.

- 3.5. A new provision in proposed Code necessitates variations (focused on the new IAPLACS arrangements) to Birmingham admission arrangements to take effect from 1 September 2021. Admission authorities are required to vary their admission arrangements for 2021/22 (which would have been determined by 15 February 2020) and their admission arrangements for 2022/23 (which would have been determined by 15 February 2021). Without these variations, admission arrangements that have already been determined will no longer comply with the Code from this date.

- 3.6. The Code is expected to pass through its Parliamentary process on or around 1 July 2021 and all requirements (unless otherwise stated) should come into effect on 1 September 2021.

4. The key changes to the Code

- 4.1. A dedicated section has been added to the Code which sets out a clear process for managing in-year admissions, including:

- ***Introducing timescales for different stages of the in-year process;***
The Fair Access Protocol to be applied to 'Children who have been out of education for four weeks or more where it can be demonstrated that there are no places available within a reasonable distance of their home'. This was previously eight weeks (out of education) and has significant implications not only for the Fair Access process but for the pre-Fair Access process timescales with a need for SAFA to substantially speed up the placement of children without a school place, whose in-year applications have been unsuccessful.
- Requiring local authorities and admissions authorities to publish information on the in-year application process.
- Making the in-year process easier for parents to navigate.

4.2. Changes have been made to improve the effectiveness of Fair Access Protocols by:

- Making the purpose of Fair Access Protocols clearer;
- **Introducing timescales for placement decisions**; The new Code requires a child to be allocated a school within 20 school days of a referral having been accepted. The current average time frame from referral to admission is 25 school days for the council led Primary Fair Access Panels and Secondary Fair Access Panels and 43 school days for Secondary Local Sharing Panels.
- Ensuring Fair Access Protocols are only used to support the most vulnerable children;
- Clarifying the provisions relating to the use of Fair Access Protocols for children with challenging behaviour.

4.3. References to previously looked after children in the Code have been amended to include children who have been in state care outside of England and have ceased to be in care as a result of being adopted (internationally adopted previously looked after children – IAPLAC), and children who were adopted (or subject to child arrangement orders or special guardianship orders) immediately following having been looked after in England.

4.4. Clarification has been provided on which address to use for admission of service or crown servant children.

4.5. The key changes for schools as regard timescales are:

- Schools must provide details of places available to the local authority within two school days of a request for the information;
- Schools should aim to notify parents of the outcome of their in-year application within 10 school days, and must notify them in writing within 15 school days;
- Schools must notify the local authority of the application and its outcome as soon as reasonably practicable but should aim to do so within two school days.

4.6. The proposed increase in staffing and creation of an in-year team of school advisors will also support related pupil tracking pressures and the annual tension of processing in-year applications and Pupil Movement Forms (PMFs) during the peak activity period of the secondary and primary transfer rounds.

5. National and Statutory Context

5.1. All school admission services make an important contribution to the safeguarding of children and young people by ensuring that every child is offered a school place.

5.2. Birmingham and other local authorities, track children who are out of school because their parent/carer has refused a school place and take appropriate action.

5.3. The Admission Service provides and supports the provision of a range of statutory requirements as identified within the current Schools Admission Code 2014, proposed new Code 2021 and pupil registration regulations 2006.

5.4. The Code applies to admissions to all maintained schools in England. It should be read alongside the School Admission Appeal Code and other guidance and law that affect admissions and admission appeals in England.

5.5. The 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 authority of maintained schools as defined in Section 88 (1) (a) and (b) of the SSFA 1998
- b) Governing bodies and local authorities (when not admission authorities)
- c) School Adjudicators
- d) Admission Appeal Panels

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

5.6.1. All academy schools (including those that are free schools), University Technical Colleges and Studio Schools are required by their funding agreements to comply with the Code and the law relating to admissions.

5.6.2. It is the responsibility of admission authorities to ensure that admission arrangements are fair and compliant with this Code. Where a school is the admission authority, this responsibility falls to the governing body or academy trust.

5.6.3. The table below identifies the types of school with related governance and admission authorities.

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

Type of school	Who is the Admission Authority?	Who deals with complaints and arrangements?	Who is responsible for arranging/providing for an appeal against refusal of a place at a school?
Voluntary controlled schools	Local Authority	School Adjudicator	Local Authority

5.6.4. Benchmarking data for admissions funding in 2018 illustrated that Birmingham is funded at a lower rate per pupil (£8 per head) compared to the England average (£9).

6. Financial implications

6.1.1. The benchmarking data reported in the October 2020 report to Schools Forum confirmed that for admissions funding in 2018 Birmingham is funded at a lower rate per pupil (£8 per head) compared to the England average (£9).

6.1.2. The proposal to increase funding by £160,558 will support the closing of that gap and support the service to meet the requirements of the new Code and provide the required support particularly to vulnerable children in the admissions process as identified by the Children in Need review.

6.1.3. The proposed increase will fund a team of three in-year School Admissions Advisors and one School Admissions manager and support costs (see table below)

6.1.4. The staffing costs are estimated at the mid-point for each grade, and factor in related post on-costs. The total cost includes a 10% allocation for training, equipment and related revenue costs.

Grade	Spinal Point	Salary Cost (NI and Super included)	Total Number of Posts	Total Cost
GR3	15	33,605	3	100,814
GR4	27	45,148	1	45,148
Staffing Total				145,962
ICT, accommodation etc at 10%				£14,496
Overall Total				£160.458

7. Recommendations

To approve the budget increase to the allocated budget of £160,458 to support the delivery of an efficient and effective service in response to the requirements of the proposed new School Admissions Code (2021).

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