



Department  
for Education

# Changes to the School Admissions Code

**Government consultation**

**Launch date 26 June 2020**

**Respond by 16 October 2020**

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## Introduction

This consultation seeks views on Department for Education proposals to revise the School Admissions Code 2014 (the Code<sup>1</sup>).

We understand that not only is the sector facing challenges in supporting the country's children to ensure they can access education, but the current Covid-19 outbreak has affected everyone's lives in different ways. In particular, we are concerned that some of our most vulnerable children may experience gaps in their education because they are unable to secure a school place quickly during this unsettled period. We think that now, more than ever, we need to continue with our plans to make changes to the School Admissions Code to support our most vulnerable and disadvantaged children.

These changes are also in response to the recent Children in Need Review<sup>2</sup> and the Home Office White Paper on Domestic Abuse<sup>3</sup> as we propose to make changes to the Code to better support the in-year admission of vulnerable children and reduce to a minimum any gaps in their education. The Children in Need Review identified that Children in Need (CiN) are more likely to seek a school place outside the normal admission round. We believe that making improvements to the in-year admissions process will have a positive impact on all children seeking a school place in-year but will be particularly beneficial for the most vulnerable.

The changes to the Code seek to clarify admission authority and local authority responsibilities in relation to managing the in-year admission and Fair Access Protocol (FAP) processes. This is in response to feedback from local authorities, academy trusts, parents and other interested parties. We intend to align the provisions within the Code applying to previously looked after children (PLAC), to those previously looked after in state care outside England. In addition, we are proposing to amend the address requirements for service children and children of crown servants when applying for a school place in-year, to better reflect the current living arrangements of these families. We are also proposing a number of minor drafting changes to improve the clarity of existing Code provisions and the efficacy of existing admissions processes.

## Who this is for

This consultation is for anyone with a role or interest in school admissions, including:

- Local authorities

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<sup>1</sup> [School Admissions Code \(2014\)](#)

<sup>2</sup> [Children in Need Review](#)

<sup>3</sup> as [Domestic Abuse consultation response and draft Bill](#)

- Schools, including academies and free schools
- Governing bodies and academy trusts
- Parents/carers
- Other interested parties

## Issue date

The consultation was issued on 26 June 2020.

## Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email at: [AdmissionsCode.CONULTATION@education.gov.uk](mailto:AdmissionsCode.CONULTATION@education.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [Coordinator.CONULTATIONS@education.gov.uk](mailto:Coordinator.CONULTATIONS@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

We will aim to publish the results of the consultation and the department's response on [GOV.UK](#) in Winter 2020.

## About this consultation

The Department for Education is considering revising the School Admissions Code 2014 (the Code). Accompanying amendments would also be made to associated regulations – see Annex B for further details.

The overarching aim of the changes we are proposing to make to the Code is to better support the in-year admission of vulnerable children, including those in a refuge, reducing to a minimum any gaps in their education. In practice, this means making changes to the provisions relating to the in-year admissions process and Fair Access Protocols by:

- Introducing a dedicated section in the Code setting out a clear process for managing in-year admissions, including:
  - Introducing timescales for different stages of the application and decision-making process.
  - Requiring local authorities and admission authorities to provide information on their websites as to how in-year applications can be made and how they will be dealt with, including providing a suitable application form for parents to complete when applying for a place.
  - Requiring admission authorities to provide the local authority with details of the number of places available when requested, to enable the local authority to assist parents to identify schools with available places.
  - Clarifying that parents must not be refused the opportunity to make an application, must be informed of the outcome of their application in writing, including if applicable the reason for refusal, and must be given information about the right to appeal.
  
- Clarifying the section in the Code describing Fair Access Protocols to improve their effectiveness by:
  - Making clear the purpose of Fair Access Protocols, what they should be used for and setting out a clear process as to how they should operate.
  - Introducing timescales as to when placement decisions need to be made by.

- Extending the specific categories of children who may be admitted via the Fair Access Protocol to include children on a Child in Need/Child Protection Plan and children in refuge and those in safe accommodation<sup>4</sup>.
- Clarifying the provisions relating to the use of Fair Access Protocols for children with challenging behaviour, including setting out what is meant by challenging behaviour in that context.

In addition, we propose to make the following changes to support children who have been adopted from care outside of England, service children and children of crown servants:

- Amend all references to previously looked after children in the Code to include children who appear (to the admission authority) to have been in state care outside of England and have ceased to be in care as a result of being adopted, as well as children who were adopted (or subject to child arrangement orders or special guardianship orders) immediately following having been looked after in England.
- Require admission authorities to use the address at which a service child or child of a crown servant will reside, when the parents have provided evidence of the intended address or a Unit or quartering address when considering applications, in advance of the family moving into the area.

We also propose to make a number of minor drafting changes to certain provisions of the current Code, which will improve the clarity of the relevant provisions and the efficacy of existing processes.

This consultation seeks views on the proposed changes. These changes are primarily intended to support the most vulnerable children and come in response to the recommendations and conclusions from the Children in Need Review and the Domestic Abuse White Paper.

**We are not, therefore, seeking views on wider changes to other elements of the Code at this stage.**

A draft version of the revised Code, which includes the proposed changes described in this document, is available alongside this consultation.

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<sup>4</sup> This term will be defined in accordance with the outcome of the “Support for victims of domestic abuse in safe accommodation” consultation led by MHCLG. which can be found here: <https://assets.publishing.service.gov.uk/government/consultations/support-for-victims-of-domestic-abuse-in-safe-accommodation> .

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations) to submit your response.

## Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a PDF version of the consultation document and respond either via email or post.

**If you are not responding via the online survey, please can you ensure you provide:**

- your name
- relevant contact details
- whether you are responding as an individual or on behalf of an organisation, along with your role
- whether you would like your responses to be kept confidential

**within your response.**

### By email

- [AdmissionsCode.CONULTATION@education.gov.uk](mailto:AdmissionsCode.CONULTATION@education.gov.uk)

### By post

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Admissions, Academies Portfolio and School Organisation Division  
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Darlington  
DL1 5QE

## Deadline

The consultation closes on 16 October 2020.

# Section 1: In-year admissions

## Background

We are aware that processes for managing in-year admissions vary across the country. It can therefore be difficult for parents to navigate the system when they need to find their child a school place outside the normal admissions round, and has proven particularly challenging for vulnerable and disadvantaged families. We know these families are also more likely than others to seek a school place outside of the normal admissions round<sup>5</sup>.

Therefore, we propose to introduce a number of changes to improve the in-year admissions system. We know these changes will be welcomed by admission authorities and have a positive impact on all children seeking a school place in-year. They will have the biggest impact on the most vulnerable who are more likely to experience difficulties in seeking a school place outside of the normal admissions round and are subsequently more at risk of having gaps in their education.

## Proposal and rationale

The specific changes we propose to make to the Code are:

- To introduce a dedicated section in the Code on in-year admissions, which clearly sets out how the in-year admissions process should be managed. This will ensure consistency of approach and timelier decision-making, reducing the time children are out of school.
- To set out responsibilities around making information available to parents about how the in-year admissions process works, to ensure parents are clear on how they can make an in-year application and who they need to submit the application to. The proposed provisions around making information available include:
  - Requiring local authorities to publish information on their website by 31 August each year on how in-year applications can be made and how they will be dealt with. This includes setting out details of which schools they will co-ordinate applications for and which schools will manage their own in-year applications;
  - To enable local authorities to do this, we would introduce a requirement for own admission authority schools to inform the local authority by 1 August

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<sup>5</sup> This was highlighted in the Children in Need Review

each year if they intend to be part of the local authority's in-year co-ordination scheme where it is offered;

- Requiring own admission authority schools to set out on their websites by 31 August each year how in-year applications will be handled;
- Requiring local authorities, and own admission authority schools who will co-ordinate their own in-year admissions, to provide a suitable application form for parents to complete when applying for a place in-year;
- To require admission authorities to provide the local authority with details of the number of places available at their school within two school days of receipt of the request for information. This will enable the local authority to advise parents on the availability of school places in their area in a more timely manner.
- To require admission authorities (or the local authority if it is co-ordinating the admission authority's in-year admissions) to notify parents of the outcome of their in-year application in writing within 10 school days. This includes detailing the reason for refusal of a school place and providing information about the right to appeal if the application is refused. This will address concerns regarding the length of time some admission authorities take to process in-year applications and offering parents the right of appeal in a more timely manner.

All of the above changes will help reduce the amount of time parents spend trying to identify which schools have available places, and will help to clarify the process they need to follow to submit an in-year application, as well as ensuring the application is processed as soon as possible.

A number of these changes will require associated amendments to underlying regulations, which are identified in Annex B.

See paragraphs 2.22 - 2.29 in the draft Code for changes to **in-year admissions**.

## Questions

**Question 1.1: Do you think the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date will be helpful for parents?**

Yes

No

Don't know

*If you disagree or don't know, can you suggest alternative proposals or provide further feedback?*

**Question 1.2: Do you agree the requirement for admission authorities to provide information on the availability of school places is helpful?**

Yes

No

Don't know

*If you disagree or don't know, can you suggest alternative proposals or provide further feedback?*

**Question 1.3: Do you agree the timescales for admission authorities to provide information on the availability of school places are reasonable?**

Yes

No

Don't know

*If you disagree or don't know, please explain why.*

**Question 1.4: Do you agree with the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date?**

Yes

No

Don't know

*If you disagree or don't know, please explain why.*

**Question 1.5: Do you agree the requirement to notify parents of the outcome of their in-year application in writing within 10 school days is useful?**

Yes

No

Don't know

*Please explain your answer.*

**Question 1.6: Do you agree the timescale to notify parents of the outcome of their in-year application in writing within 10 school days is reasonable?**

Yes

No

Don't know

*Please explain your answer.*

**Question 1.7: Please provide any further feedback or comments you wish to make on the outlined proposals around in-year admissions.**

You are not required to provide additional information if you do not have any further comments.

## Section 2: Fair Access Protocols

### Background

Whilst all local authorities must have a Fair Access Protocol (FAP) in place to ensure unplaced children, especially the most vulnerable, can be found a school place as quickly as possible, we are aware that they do not always work effectively for the vulnerable children they are intended to serve. We are also aware that in some areas FAPs are misused as the 'default' way to place every child seeking a school place in-year, rather than as a safety net for vulnerable and hard to place children. This causes delays in securing a school place and undermines the whole process.

We therefore propose to introduce a number of changes to improve the effectiveness of FAPs and ensure that they are used appropriately. This includes making clear the purpose of FAPs, when they should be used and setting out a clear process of how they should work. We also propose to introduce timescales regarding when placement decisions need to be made so that the vulnerable children referred to the FAP can be found a school place quickly, reducing gaps in their education. Overall, the proposed changes will help ensure FAPs are not misused to the detriment of either children or schools, prompt quicker decision making and ensure vulnerable children are placed in school in a more timely manner, as the process intended.

Alongside making various changes to the Code, we also intend in due course to update the existing non-statutory guidance on FAPs<sup>6</sup>, to aid further consistency and understanding by setting out examples of best practice.

### Proposal and rationale

The specific changes we propose to make to the Code are:

- To emphasise that a FAP is an agreement between the local authority and all admission authorities in the area and once it has been agreed, all schools must participate in it. This includes having a representative who is authorised to participate in discussions and make decisions on placing children via the FAP. The representatives should also help ensure that each school takes its fair share of children via the FAP, even where schools are full.
- To emphasise that the purpose of FAPs is to ensure that unplaced and vulnerable children, and those that are having difficulty in securing a school place in-year, are found and offered a school place which is appropriate to any particular needs the

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<sup>6</sup> [Fair access protocols in school admissions - GOV.UK](#)

child may have, as soon as possible.

- To clarify that the FAP must treat all schools in a fair, equitable and consistent manner. This means that all schools must take their fair share of children via the FAP, even where they are full, and likewise that no school – including those with places available – is asked to take a disproportionate number of children via the FAP.
- To clarify that FAPs may only be used to place specific categories of vulnerable 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 for them through the ordinary in-year admission process. This will help to ensure that FAPs are not used to place every child seeking a school place in-year, which can result in the whole process being undermined.
- To extend the specific categories of children who may be admitted via the FAP to include children on a Child in Need or a Child Protection Plan and children living in a refuge or emergency accommodation at the point of being referred to the FAP. The Children in Need Review and the Domestic Abuse Consultation led by the Home Office last year highlighted that these children are often subject to frequent moves outside of the normal admissions round and can experience difficulties in securing a new school place.
- To clarify that, in addition to the specific categories of children who may be admitted via the FAP, the FAP may also be used to place the following children:
  - Children for whom a school place has not been sought due to ‘exceptional circumstances’. It will be for the local authority to make a decision based on the circumstances of the case whether a child can be referred to the FAP on this basis, based on the evidence presented to them.
  - Children who have been out of education for four or more weeks and for whom there are no places available at any school within a reasonable distance of their home.
- To clarify the provision around when admission authorities are able to refuse admission on the basis that a child has challenging behaviour, including setting out what is meant by challenging behaviour in that context. It was intended that the bar for what is regarded to be challenging behaviour is high. However, we are aware that this provision is not always used as intended and is sometimes used to refuse admission to children with behaviour that can sometimes be challenging due to underlying circumstances such as SEND. To ensure it is used appropriately, we propose to set out the circumstances this provision should and should not be used to refuse admission.

- To introduce a maximum 20 school day time limit for a school place to be allocated to a child who it has been agreed will be considered under the FAP, to minimise the amount of time children, particularly the most vulnerable, are out of education.
- To clarify that in the event of the majority of schools in the area no longer supporting the principles and approach of the FAP, the schools can initiate a review with the local authority and that the FAP should set out how such a review can be initiated.

See paragraphs 3.8 – 3.21 in the draft Code for changes to **Fair Access Protocols**.

## Questions

### **Question 2.1: Do you agree with the proposals to prescribe how Fair Access Protocols are triggered?**

Strongly agree

Agree

Neutral

Disagree

Strongly disagree

*If not, please explain why. Can you suggest alternative proposals or provide further feedback?*

### **Question 2.2: Do you agree with the proposed changes to the list of children eligible for the Fair Access Protocol?**

Yes

No

Don't know

*Please expand upon your answer below. Do you think there are any other categories we should consider adding?*

### **Question 2.3: For Fair Access Protocols to be effective, it is important that all admission authorities participate in the process properly. We have indicated what we mean by participation. Do you consider our definition of participation to be useful?**

Strongly agree

Agree

Neutral

Disagree

Strongly disagree

*Please expand upon your answer below. Can you suggest an alternative definition?*

**Question 2.4** Currently admission authorities are able to refuse admission on the basis of challenging behaviour. However, we are aware that the current provision in the Code relating to this can sometimes be misused. We have attempted to clarify how and when admission authorities may rely on this provision. Do you consider our clarification to be helpful?

Strongly agree

Agree

Neutral

Disagree

Strongly disagree

*Please explain why. Can you suggest alternative proposals?*

**Question 2.5:** Do you agree with our proposed approach to the definition of challenging behaviour?

Strongly agree

Agree

Neutral

Disagree

Strongly disagree

*Please explain your answer.*

**Question 2.6:** The purpose of Fair Access Protocols is to ensure children are placed in school as soon as possible. As such, we propose to require children referred to the Fair Access Protocol to be placed in school within 20 school days. Do you agree that this proposal and timescale is helpful?

Yes

No

Don't know

*Please explain your answer.*

**Question 2.7:** Please provide any further comments you wish to make on the outlined proposals around Fair Access Protocols.

You are not required to provide additional information if you do not have any further comments.

## Section 3: Children who have been adopted from state care outside of England

### Background

Children in care are amongst the most vulnerable in our society. We know that the vast majority of children taken into local authority care have experienced abuse or neglect and therefore require additional support. Wherever possible, they should be admitted to the school which is best able to meet their needs. As such, school admission authorities have been required to give looked after children<sup>7</sup> highest priority in their admission arrangements since 2007. In 2012, this priority was extended to previously looked after children<sup>8</sup>. Our intention was to ensure that all children who receive highest priority whilst in care of the local authority continue to receive that priority once they have left care.

We now propose to make changes to the Code to give children who were previously looked after in state care outside of England and have ceased to be in state care as a result of being adopted, the same highest priority for admission into a school in England. We want to do this because these children are also vulnerable and may have experienced abuse or neglect prior to being placed in care. It is also important that these children should be on an equal footing for the purposes of admission to school as those children looked after and previously looked after by a local authority in England.

The intention to make this change to the Code was announced by the Minister of State for School Standards in December 2017.

### Proposal and rationale

The specific changes we are proposing to make are:

- To extend the provision in the Code which requires admission authorities to give highest priority in their oversubscription criteria to looked after children and previously looked after children to now also include children who were previously in state care outside of England and ceased to be in care as a result of being adopted.
- To clarify that all references to previously looked after children in the Code now also include those children who appear to have been in state care outside of

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<sup>7</sup> A 'looked after child' is a child who is (a) in the care of a local authority in England or (b) being provided with accommodation by a local authority in England in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

<sup>8</sup> Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or become subject to a child arrangements order or special guardianship order).

England and ceased to be in care as a result of being adopted, as well as children who were adopted (or subject to child arrangement orders or special guardianship orders) immediately following having been looked after in England.

These changes will require associated amendments to underlying regulations, which are identified in Annex B.

## **Additional advice on implementation**

We understand that there are concerns about how an admission authority might determine whether a child was previously in state care outside of England, prior to their adoption. Alongside making the above changes to the Code, we also intend to publish non-statutory advice to help admission authorities implement the changes, including further advice on how to determine eligibility.

See paragraph 1.7 in the draft Code for changes relating to **children who have been adopted from state care outside of England**.

## **Questions**

**Question 3.1: Children who were previously in state care outside of England will, for the purposes of admission to school, be treated on an equal footing to those children looked after and previously looked after by a local authority in England.**

**Do you envisage any problems with this change?**

Yes

No

*If so, can you suggest how we might overcome them?*

**Question 3.2: We understand that there are concerns about how an admission authority might determine whether a child was previously in state care outside of England, prior to their adoption. We intend to publish non-statutory guidance to help admission authorities implement the changes, including further advice on how to determine eligibility.**

**What else would you like to see in this non-statutory guidance?**

## Section 4: The admission of service children and children of crown servants

### Background

We recognise service and crown servant families are often subject to frequent moves, meaning they are more likely to need to apply for school places outside of the normal admissions round. Currently, admission authorities are only explicitly required to allocate a place in advance of the family arriving in the area when it is accompanied by an official letter declaring a relocation date and a Unit or quartering address in that area.

[Section one](#) of this consultation document also sets out our proposals to improve the in-year admissions system, which is an area that we know will support the admission of service children and children of crown servants, helping them secure a school place quickly following a move or posting.

### Children of service personnel

The Ministry of Defence have been considering how they can improve the accommodation offer for service personnel to make it fair and more flexible. The current system was developed many years ago and whilst it works well for some, there are a number of reasons why this change is needed<sup>9</sup>.

We know an increasing number of service families live in owned or privately rented accommodation, therefore the provision requiring a Unit or quartering area address is becoming less relevant and less helpful for families in these circumstances.

The government is committed to ensure that those who serve in the armed forces, and their families, are not disadvantaged by their dedication and service to our country – therefore we proposed to update the Code make sure it remains relevant and helpful to them.

### Children of crown servants

We have previously produced a separate explanatory note to help support both admission authorities in processing applications from crown servants returning from overseas, and the parents themselves in applying. We believe this note is helpful in supporting those parties, but just as service families accommodation habits are

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<sup>9</sup> <https://www.gov.uk/government/publications/future-accommodation-model-what-you-need-to-know/what-you-need-to-know-about-fam>

changing, we realise that requiring a Unit or quartering address for crown servant families is not helpful, and recognise that this should be addressed in the Code.

## Proposal and rationale

We therefore propose to change the Code to:

- Amend paragraph 2.18 of the current Code to clarify that admission authorities may use a private address or a Unit or quartering area address as the child's home address to allocate a place in advance of the family moving. This will expedite the in-year school application process for service children and children of crown servants and better reflects the current living arrangements of these families.
- Clarify that admission authorities should be flexible in what they accept as proof of address when applying the oversubscription criteria – they should not insist on evidence which would only be available if the family were already living at the address.
- Clarify that it is the address where the child will be living which must be used when considering the case against the oversubscription criteria. This proposal will help children of service families and crown servants who may be residing in a different area to their parent's posting.

See paragraph 2.20 in the draft Code for changes to the admission of **service children and children of crown servants**.

## Questions

**Question 4.1: Please provide any comments you have on the proposal to enable admission authorities to use a private address or a Unit or quartering area address as the child's home address to allocate a place in advance of a service family or family of a crown servant moving into the area.**

**Question 4.2: Do you have any concerns around admission authorities being required to accept evidence of proof of address which is available in advance of a service or crown servant family moving into the area?**

Yes

No

*If yes, please explain why.*

## **Section 5: Minor policy and technical drafting changes**

### **Background**

We are proposing that this revision of the Code will also include a number of minor policy and technical drafting changes to certain provisions of the current Code. These revisions will improve the effectiveness of the admissions framework and provide further clarity where there appears to be ambiguity.

### **Proposal and rationale**

A full list of these proposed changes is available at Annex A.

A number of these changes will require associated amendments to underlying regulations, which are identified in Annex B.

### **Questions**

**Question 5.1: The purpose of the minor policy and technical drafting changes, as set out in Annex A, is mainly to improve clarity, with a few amendments to policy.**

**Please provide any comments you have on the proposed minor policy and technical drafting changes.**

## Section 6: Impact assessments

### Public Sector Equality Duty

The Public Sector Equality Duty places a legal obligation on the department to consider how its policy or service decisions impact differently on different people.

The relevant “protected characteristics” for the purposes of the Public Sector Equality Duty are:

- sex;
- race;
- disability;
- religion or belief;
- sexual orientation;
- pregnancy and maternity;
- gender reassignment; and
- age.

We believe that the changes proposed to the Code will have a positive impact on those children with the protected characteristics of age, disability, race, religion or belief and sex.

We do not believe the proposed changes will have a negative impact on any children with one of more of the relevant protected characteristics outlined in the Equality Act.

### New Burdens Assessment

The department is required to consider whether any policy or initiative would increase the cost of providing local authority services, and this includes revised guidance. As part of this process, a New Burdens Assessment is required.

This assessment should include consideration of ‘one off’ implementation costs as well as recurring cost elements, alongside any estimated savings that local authorities could make.

### Questions

**Question 6.1: Do you agree that the proposed Code changes will not have a negative impact on any children with one or more protected characteristics?**

Yes

No

*If you disagree, please explain why.*

**Question 6.2: Do you believe the proposed Code will result in any new costs for local authorities?**

Yes

No

*If yes, please explain why and what estimation can be made of these additional costs.*

**Question 6.3: Do you believe the proposed Code will result in any savings for local authorities?**

Yes

No

*If yes, please explain why and what estimation can be made of these additional savings.*

## Annex A: Minor policy and technical drafting changes

We propose to make additional minor policy and technical drafting changes to the School Admissions Code. The vast majority of these are to provide further clarity to improve the effectiveness of existing provisions, with a few minor amendments to policy. We propose to make amendments to:

1. make clear in paragraphs 1.4 and 1.5 of the current Code that the published admission number (PAN) does not apply to year groups which are not the normal years of entry, and admission authorities can admit over the original admission number set for any given year group;
2. clarify in the footnote of paragraph 1.9(d) in the current Code that as well as designated grammar schools, school sixth forms may also select by ability by setting academic entry requirements;
3. clarify what constitutes a parent providing 'practical support' to a school in paragraph 1.9(e) of the current Code;
4. make explicit in paragraph 1.13 of the current Code that nodal points are permitted and include a definition in the glossary of what they are and how they should be set;
5. clarify paragraph 1.17 of the current Code to make clear that it is the responsibility of selective schools' admission authorities to publish their entry requirements and that these must be set out in their admission arrangements;
6. amend the footnote to paragraph 1.32 of the current Code so that admission authorities are not required to inform parents of the outcome of banding tests (as opposed to other forms of selection test) before the closing date for school applications;
7. clarify in paragraph 1.39 of the current Code how admission authorities may apply oversubscription criteria prioritising children of staff at the school, and what detail they should include in their admission arrangements;
8. clarify the definition of a boarding place within the footnote of paragraph 1.40 of the current Code (paragraph 1.43 of the proposed Code);
9. clarify what is meant by determination of admission arrangements in paragraph 1.46 of the current Code (paragraph 1.49 of the proposed Code);
10. clarify in paragraph 1.47 of the current Code the deadline for admission authorities to publish their determined admission arrangements (paragraph 1.50 of the proposed Code);

11. in paragraph 1.51 of the current Code, require local authorities to update their composite prospectus and website where a new academy or free school opens during the offer year (paragraph 1.54 of the proposed Code);
12. make clear in paragraph 2.4 of the current Code that admission authorities cannot solely prioritise applications on the basis that parents complete the supplementary information form;
13. clarify in paragraph 2.14 of the current Code the ability of designated faith schools to prioritise children of the faith, including over those children who are either looked after children or previously looked after children, but are not of the faith;
14. remove paragraph 2.19 in the current Code, as the rights of entry to the UK and conditions of entry are set out on GOV.UK, which will be updated accordingly to take account of Brexit;
15. clarify in both paragraph 2.20 of the current Code (paragraph 2.21 of the proposed Code) and in the glossary that local authorities are required to co-ordinate late applications as well as on-time applications for the normal admissions round;
16. clarify in paragraph 2.24 of the current Code that looked after children need not go through the appeals process when they have (paragraph 2.31 of the proposed Code) been refused a school place, as this can add further delay. Rather, direction powers can be engaged as soon as a place has been refused;
17. include a note in the Appendix outlining that admission authorities may need to take into account exceptional circumstances due to case law;
18. throughout the Code, clarify what is meant by 'normal admissions round', 'late application', and 'in-year application';
19. clarify in the glossary that the Office of the Schools Adjudicator has jurisdiction to consider and investigate determined admission arrangements, rather than published admission arrangements;
20. throughout the Code, update references to dates and timelines where appropriate.

## Annex B: Regulation changes

The table below lists the amendments we may need to make to various regulations in order to make the proposed changes to the Code. The changes would be to:

- The School Information (England) Regulations 2008 (SI 2008/3093) (the “School Information Regulations”)
- The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (SI 2012/8) (the “School Admission Regulations”).

### Changes in relation to in-year admissions

Proposed Code changes	Changes to Regulations
Duties of local authorities and admission authorities to provide and publish information by certain dates about how in-year applications will be handled.	School Information Regulations: Schedule 2, paragraph 2 Regulation 7 Regulation 10 Schedule 4

### Changes in relation to the admission of overseas PLAC

Proposed Code changes	Changes to Regulations
Amendment to give equal highest priority in oversubscription criteria to overseas PLAC, alongside PLAC that were looked after in England and LAC.	School Admission Regulations: Regulation 7

### Minor policy and technical drafting changes

Proposed Code changes	Changes to Regulations
<p><b>Annex A, item 10</b> - Clarification of deadlines for the publication of determined admission arrangements.</p>	<p>School Information Regulations: Regulation 10 Schedule 4 School Admission Regulations: Regulation 18</p>
<p><b>Annex A, item 11</b> - Duty of local authorities to update their composite prospectus with information about new schools opening during the offer year.</p>	<p>School Information Regulations: Regulation 5 Regulation 6</p>
<p><b>Annex A, item 15</b> - Co-ordination duties of local authorities for the normal admissions round and late applications.</p>	<p>School Admission Regulations Regulations 26 to 32 Schedule 2</p>



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