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To all Heads and Chairs of community and voluntary controlled primary schools

Dear Headteacher / Chair of Governors

**Re New School Admissions Code and in year admissions**

You will be aware that the Department for Education (DfE) has recently published a new School Admissions Code which comes into effect from 1 September 2021 <https://www.gov.uk/government/publications/school-admissions-code--2>. The new Code brings in a number of new requirements. Many of the new requirements only apply to schools who are responsible for their own admissions ie VA and academy schools. The main changes for community primary schools are:

**LOOKED AFTER CHILDREN (para 1.7)**

- There is an expanded definition of looked after children to include those children who were in state care outside England but who were then adopted (further guidance from the DfE is expected on this new definition).

**FAIR ACCESS PROTOCOL (para 3.14 to 3.22)**

- New guidance on Fair Access Protocols has been published by the DfE <https://www.gov.uk/government/publications/school-admissions-code--2>
- All schools have a duty to participate in the Fair Access Protocol arrangements, and this will include providing a representative with delegated authority from Headteacher to make allocation decisions if you attend a fair access panel.
- The fair access system works well in Tameside and there are no plans to change the process by which places are allocated under the Protocol;
- Statutory categories of children who can be placed under the Fair Access Protocol now encompasses wider categories of children including –children with a child in need or child protection plan, children in kinship care arrangements, children who have been out of education for four weeks or longer (currently 2 months) and previously looked after children. This results in a greater number of categories of children who may eligible for support under Fair Access Protocol.
- Statutory changes to categories of children came into effect from 1 September 2021.
- **There can no longer be locally agreed criteria as is currently the case.**
- Allocation decisions must be made within 20 school days from the date on which the child was deemed to be eligible for support under the Fair Access Protocol;
- Whilst the expectation remains that admission authorities will admit children under Fair Access Protocol arrangements, the Code continues to refer to the possibility of directions being issued to maintained schools by the Council or by the DfE for academies.

- Additional to the statutory changes we need to make, we are also making changes to comply with GDPR. School transfer applications contain personal and special category data. The Fair Access Protocol uses and shares this data to reach decisions. In order to comply with GDPR parents must be offered the opportunity to give clear consent for their personal data to be processed for specific purposes. The new Fair Access Protocol introduces the use of the “FA Referral Form” which schools must use to detail why they consider particular applications eligible for consideration under the FA Protocol. This form assists the FA Officer to check eligibility and gain informed consent from the parent for their data to be shared and if necessary for further relevant information to be obtained. The operation of the protocol thereafter remains unchanged for all schools although the primary process will restrict data sharing to 3 additional schools only with parental agreement;
- The proposed primary in year fair access protocol is attached for information

### **The right to apply for a school place**

The 2021 Code clarifies that parents must not be told they cannot make an application for a particular school and can make an in-year application at any time. All applications must be processed and if refused, parents must be given their statutory right of appeal. **This applies to all children even if they may fall within the Fair Access Protocol.**

### **Providing information to the Council on place availability**

The Code requires schools to share information with the local authority about the availability of places in their school(s) within **two school days of the request**. We will automate this process with the use of the B2B system which will allow the automatic transfer of information between our relevant databases.

**In addition to the changes already outlined, some changes only apply to voluntary aided and academy schools. These include:**

### **IN YEAR ADMISSIONS (Para 2.23 to 2.31)**

There are several changes to clarify the decisions, responsibilities and procedures relating to in-year admissions. Local authorities are no longer required to coordinate in year admissions **but Tameside will continue to offer a coordinated scheme to all maintained schools in the borough**. Schools that are their own admission authority will need to inform Tameside Council on an annual basis whether they wish to opt into the scheme or not.

These changes brought in by the new School Admissions Code will have an impact on all admission authorities with a requirement for much tighter processes to be operated to ensure that there are no unreasonable delays in decision making on admissions. Whilst this may seem like a lot of change, the School Admission Team operate within these parameters for the vast majority of the time.

We are happy to answer any queries you may have on these important changes so please do contact us if you need further clarity.

Yours sincerely,



Catherine Moseley  
**Head of Access Services**