



## BRIEFING PAPER

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# School places in England: applications, allocations and appeals

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# Summary

This briefing paper provides an overview of how places are allocated at most state-funded schools in England, and how parents and carers apply for places for their children. It covers the legislative framework, school application processes, appeals, and some common questions.

Different arrangements apply in Scotland, Northern Ireland and Wales.

## School starting age

Children in England can take up a full-time school place in the September following their fourth birthday, but there is no requirement for them to be in education until the start of the school term following their fifth birthday.

## Choosing a school

Parents and carers in England can express preferences for particular schools. There's no absolute right to choose a particular school, but if a school is undersubscribed – i.e., has fewer applicants than there are places available – any child that applies must usually be offered a place.

## No automatic allocation of school places

School places are not automatically allocated in England, even when children are attending an attached pre-school or feeder school, or have older siblings already attending. Parents or carers need to apply for a place.

For entry in September 2018:

- Secondary school place offers are sent out on 1 March 2018.
- Primary school offers are sent out on 16 April 2018.

## Options for parents who don't get the school place they wanted

Parents or carers who are refused a place at a particular school have a right of appeal. Other options include remaining on waiting lists, joining the waiting lists of schools not originally applied for, or arranging other suitable education – e.g., home schooling.

## Support and information for parents

Local authorities, voluntary agencies and charities can provide advice and guidance to parents about applying for state-funded schools.

There can be differences in admission processes and the admissions criteria used from school to school and area to area; this note is intended as a general guide only and parents should consult their home local authority for local information.

## 1.1 Who decides school admissions policies in England?

### School admission authorities and the School Admissions Code

The bodies responsible for school admissions in England are called admission authorities. The admission authority will be either the school's governing body or academy trust, or the local authority, depending on school category.

Admission authorities for state-funded mainstream schools in England must have regard to the Department for Education's (DfE's) statutory School Admissions Code and School Admissions Appeals Code:

- DfE, [School Admissions Code](#), December 2014 version - referred to throughout this briefing as the Code.
- DfE, [School Admissions Appeals Code](#), February 2012 version.<sup>1</sup>

The Codes are underpinned by Part 3 of the *School Standards and Framework Act 1998* as amended, and related regulations.

Maintained schools are under direct statutory duties; academies and free schools are held to the codes through clauses in their funding agreements (contracts) with the Secretary of State for Education.

### Determining and consulting on admission arrangements

A school's admission arrangements must state how many children in the relevant age group the school intends to admit (the published admission number, or PAN) and how applicants will be prioritised where there are more applicants than places.

The criteria used to prioritise applicants are known as oversubscription criteria.

If an admission authority wants to vary its admission criteria from the previous year, it's usually required to consult on this, although there are some exceptions.

Even where no changes are proposed, admission authorities must consult on their admission arrangements once every seven years as a minimum.

### The Schools Adjudicator – objections to admission arrangements

The Office of the Schools Adjudicator decides on objections to determined admission arrangements for state-funded mainstream schools in England. Further Information is available on the [Office of the Schools Adjudicator website](#).

The 2015 Government announced in January 2016 that it intended to change the rules on who could object to school admission

**Oversubscription criteria:** the criteria for prioritising and deciding between applications when there are more applicants than places available at a particular school.

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<sup>1</sup> Department for Education, [School Admissions Code](#), December 2014; DfE, [School Admissions Appeals Code](#), February 2012. All web addresses last accessed 7 April 2017 unless otherwise stated.

arrangements, but at the time of writing (January 2018) these changes have yet to be implemented:

The Government [...] is taking further action to simplify the school admission system and ensure it works for parents by:

- unclogging the admissions system by stopping objections to a school or local authority's admissions arrangements from outside the local area - this means only local parents will have a say on admissions and helps local authorities to ensure they are fair
- stopping vexatious complaints against faith schools from secularist campaign groups [...].<sup>2</sup>

The British Humanist Association (BHA), the National Secular Society and the Fair Admissions Campaign have all raised concerns about the proposed reforms.<sup>3,4,5</sup>

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<sup>2</sup> Department for Education press notice, '[Parents to get greater say in the school admissions process](#)', 25 Jan 2016.

<sup>3</sup> British Humanist Association press notice, '[Department for Education acknowledges 87% of objections to school admissions labelled 'vexatious' by Education Secretary were upheld by adjudicator](#)', 26 February 2016

<sup>4</sup> National Secular Society press notice, '[Government announces clampdown on complaints about faith school admissions code violations](#)', 25 January 2016

<sup>5</sup> Fair Admissions Campaign press notice, '[Government moves to ban organisations from exposing law-breaking schools unfairly restricting access to children and parents](#)', 25 January 2016.

## 2. Applying for a school place in the normal round

### **Box 1: Starting and changing schools in England**

- In England, children can start school full-time in the autumn term following their fourth birthday.
- There is no requirement for children to attend school, but if they don't they must receive a suitable full-time education somewhere else (for example, at home) once they're of compulsory school age.
- Children commonly transfer to secondary school in the September following their eleventh birthday.
- In some areas, transitions take place at different ages – e.g., in areas with first, middle and upper schools.
- Independent schools often work to a different admission timetable and children may transfer at different points to those in state-funded schools. The rules on admission to state-funded schools do not apply to independent schools.

School places are not automatically allocated once a child reaches a certain age. Parents or carers must apply on their behalf.

For admission at normal points of entry (for example, entry into the first year of infant/ primary or secondary school) parents apply to their home local authority. Some free schools in their first year of operation may choose to run their own admission process.

Some schools may require a supplementary information form that asks for further details about the child, and some selective schools require applicants to sit tests or exams.

## 2.1 School starting age in England

The table below shows when children in England can start school full-time:

<b>Birthday between</b>	<b>Would usually start school</b>
1 Sept 2013 and 31 Aug 2014 incl.	September 2018
1 Sept 2014 and 31 Aug 2015 incl.	September 2019
1 Sept 2015 and 31 August 2016 incl.	September 2020

Children do not have to be in education (whether in a school or via home education) until they reach compulsory school age. Children reach this age on the prescribed day following their fifth birthday, or on their fifth birthday where this falls on a prescribed day.<sup>6</sup> The prescribed days are:

- 31 December
- 31 March
- 31 August

### Summer born children starting school

The Code currently allows parents to request that their children are admitted outside their usual age group – i.e., to the year above or below the one they would usually be expected to join, given their date of birth. However, currently there is no duty on admission authorities to comply with such requests.

A separate Commons Library briefing paper looks at the rules on the admission of summer born children to school (i.e., those born between 1 April and 31 August inclusive):

- [Commons' Library briefing paper, Summer born children: starting school.](#)

The Government has committed to strengthen parents' rights to request their summer born child starts reception a year later than they would usually – i.e., once they have turned five years old rather than soon after they have turned four. In response to a PQ of 14 December 2017, Minister Nick Gibb said that the commitment remained, and that it would "consider the appropriate time for consulting on these changes in the context of competing pressures on the parliamentary timetable."<sup>7</sup>

### Deferring a reception place, or attending part-time

Parents or carers can defer the date their child starts in the allocated reception class until either:

<sup>6</sup> Section 8, the *Education Act 1996*, as amended; *The Education (Start of Compulsory School Age) Order 1998*, SI 1998/1607.

<sup>7</sup> [PQ 118631 \[on Schools: Admissions\], 14 December 2017.](#)

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- The beginning of the summer term, in the case of summer born children with birthdays between 1 April and 31 August inclusive.
- For all other children, the beginning of the term following their fifth birthday.

The school's permission is not required to defer a place in this way, but parents should make an admission application in the usual way, by the deadline.

Parents and carers can also decide that their child will attend school part-time until they reach compulsory school age.

## 2.2 School application process

### Choosing schools

The local authority's common application form (or online admission application) must allow parents to name a minimum of three schools, in order of preference.

Admission authorities must comply with parental preferences where this is reasonable, but not if all places are already taken by children ranking more highly against the school's oversubscription criteria. As such, there is a right to express a preference for a school or schools, but no absolute right to *choose* a school unless the school is undersubscribed.<sup>8</sup>

### Myths about naming more than one school on the application form

Nominating only one school on the application form doesn't increase the chances of being offered a place at the preferred school. If all places at the only nominated school are filled by children who rank more highly against the school's oversubscription criteria, then the applicant would usually be offered another school selected by the local authority.

The Code expressly prohibits admission authorities from "[giving] extra priority to children whose parents rank preferred schools in a particular order" (para 1.9 of the Code).

### Nominating schools in other local authority areas

On the application form, parents can nominate any mainstream school which has an intake of children at the appropriate age; this can include schools in other LA areas. The likelihood of getting a place will depend on whether the chosen school is oversubscribed or not, and what oversubscription criteria apply to school in question.

## 2.3 Special situations - FAQs

### When a child has two addresses because of shared care

Different admission authorities use different criteria to determine a child's main address, where a child lives for part of each week with each parent. Local authorities can provide guidance on their policy.

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<sup>8</sup> This does not apply in the case of grammar schools, which do not have to admit children who don't meet the academic threshold, even if there are spare places.

## Moving house after the application deadline

The local authority should be able to provide written clarification about the rules in situations where families move house after the cut-off date for on-time applications, or will move soon before the application deadline.

## School places for children returning or arriving from abroad

There are special provisions in the admission code relating to children of crown servants returning from overseas and children of serving members of the armed forces with a confirmed new posting.

For families in this situation, the admission code requires admission authorities to provide school places in advance of arriving in the area, providing certain documentary evidence is supplied.<sup>9</sup>

The Department for Education (DfE) website provides the following information on children from overseas more generally:

In most cases, children arriving from overseas have the right to attend state-funded schools in England.

Dependent children accompanying parents entering the UK on a work visa have a right to enter the country to attend a state-funded school.

In addition, any UK citizen or citizen of the European Economic Area ('EEA') and Switzerland is permitted to enter the country to attend a state-funded school.

When an admission authority for a school deals with an application for a child, whether or not they are a UK national, it must comply with the [school admissions code](#) and the Equality Act 2010. It cannot refuse a school place simply because of doubts about the child's immigration status.

However, entitlement to a state education does not necessarily confer a right to remain in the UK. Citizens of countries that are not a part of the EEA should ensure that their child's visa entitles them to enter the country to attend a state-funded school before taking up such a school place.

Schools do not have a role in checking visas: it is entirely the parents' responsibility to check.

The following children are not entitled, by immigration law, to enter the country to attend to a state-funded school:

- children from non-EEA countries who are here as short-term visitors - these are children who live abroad but have been admitted to the UK for a short visit (for example as tourists or to visit relatives)
- children from non-EEA countries who have entered the country on a Tier 4 visa - these children are allowed to study in England on the basis that they attend an independent, fee-paying school listed in the register of Tier 4 licensed sponsors

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<sup>9</sup> See: Department for Education, [Admission of children of crown servants. Explanatory note](#) September 2015.

If a school or school admission authority suspects that children belonging to either of these 2 categories have applied for or are attending a state-funded school, it must not deny them a place or remove them from the roll. It should advise parents to check their rights and alert the Home Office's school referrals team so they can investigate further.<sup>10</sup>

### 2.4 Help for parents and carers

Local authorities publish guidance on the school application process; often, this will include information on how school places were allocated in previous years – for example, how far the furthest child offered on the grounds of home-to-school distance lived from the school.

School intakes can vary significantly from year to year, depending on a wide range of factors – for example, the number of siblings applying, whether the admission criteria have changed, or whether a new housing development has been built.

### 2.5 Obtaining a school place dishonestly

Where an admission authority believes that a place may have been obtained dishonestly, e.g., by inappropriately using the address of a relative rather than the child's actual home address, then it may decide to undertake an investigation.

Where an admission authority concludes that a place has been obtained "fraudulently" (para 2.13), the Code allows them to withdraw the place even when the child has started school. The length of time a child has been at the school will be a likely factor when deciding whether taking such action would be reasonable. The Code suggests that "it might be considered appropriate to withdraw the place if the child has been at the school for less than one term."<sup>11</sup>

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<sup>10</sup> Department for Education, '[School admissions: applications from overseas children](#)', updated 1 November 2017.

<sup>11</sup> Department for Education, School Admissions Code, Dec 2014, Para 2.13

## 3. Parents unhappy with their school place offer

### 3.1 National offer day

On national offer day, parents and carers should receive one offer of a school place, which they will need to accept or decline.

Where the LA is unable to offer a place at any of the schools a parent nominates on the application form, it may allocate the child in question a place at another school with capacity. This could be at a school some distance from the child's home; information on home-to-school transport and when this must be arranged can be found in Section 6 of a separate [Library briefing paper, Constituency casework: schools](#).

Occasionally, an LA may be unable to offer any place at all on national offer day. In these cases, parents may wish to seek independent advice from a specialist organisation on how best to proceed. Organisations that might be able to assist include:

- [Citizen's Advice](#)
- [ACE Education](#)
- [Coram Children's Legal Centre](#)

Rejecting the offered school doesn't make it more likely that a place will be found in a preferred school. Once an offer has been made, the LA is usually considered to have discharged its statutory duty to arrange a school place.

Parents who are not offered a place at their preferred school have a number of options open to them. Some of these are outlined below.

### 3.2 Waiting lists

All admission authorities are required to maintain a waiting list for at least the first term of the school year. Applicants can contact the local authority to enquire whether their child has been automatically placed on waiting lists.

Waiting lists are kept in order of the school's admission oversubscription criteria, and not according to the date the child's name was added to the list. A child's position on a waiting list can therefore go down as well as up – for example if a child who ranks more highly against the oversubscription criteria joins the list.

### 3.3 School admission appeals

Parents or carers who are unhappy with the decision to refuse their child a place at a particular school can appeal.

Statutory guidance on the appeal process is contained in the DfE's School Admissions Appeals Code.<sup>12</sup>

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<sup>12</sup> Department for Education, School Admissions Appeals Code, February 2012

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Admission appeals are for a place at a school that has declined them a place, not against the place allocated.

There are special arrangements for some appeals about admission to infant classes (reception, year one and year two).

### The infant class size rule

The *School Admissions (Infant Class Sizes) England Regulations 2012*<sup>13</sup> limit maintained school infant classes (i.e. classes in which the majority of children will reach the age of five, six or seven during the school year) to 30 pupils per school teacher. There are limited exceptions to the general rule, and these are set out in paragraph 2.15 of the Code:

- children admitted outside the normal admissions round with statements of special educational needs or Education, Health and Care Plans specifying a school;
- looked after children and previously looked after children admitted outside the normal admissions round;
- children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process; d) children admitted after an independent appeals panel upholds an appeal;
- children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- children of UK service personnel admitted outside the normal admissions round;
- children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.<sup>14</sup>

There are no statutory maximum class sizes for children in year three or above.

### Infant class size appeals: what can appeal panels consider?

Section 4 of the admissions appeals code deals with infant class size appeals – that is, appeals about admission to reception, year one or year two classes where the admission of extra children would breach the statutory class size maximum of thirty pupils per teacher.

Panels considering infant class size appeals can only uphold appeals at the first stage if:

- [I]t finds that the admission of additional children would not breach the infant class size limit. Or;

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<sup>13</sup> SI 2012/0010, made under S 1 of the *School Standards and Framework Act 1998*, as amended.

<sup>14</sup> Department for Education, *School Admissions Code*, December 2014, para 2.15, Pp. 23-24

- [I]t finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- [I]t decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.<sup>15</sup>

On the consideration of 'reasonableness' (in relation to the third ground above) the appeals code says:

The threshold for finding that an admission authority's decision to refuse admission was not one that a reasonable authority would have made is high. The panel will need to be satisfied that the decision to refuse to admit the child was 'perverse in the light of the admission arrangements' i.e. it was 'beyond the range of responses open to a reasonable decision maker' or 'a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it'.<sup>16</sup>

### Other appeals: what can appeal panels consider?

In non- infant class size appeals, appeal panels must consider whether the admission arrangements complied with the requirements of the Code, and whether the admission arrangements were correctly and impartially applied. The panel must also consider whether admission of additional children would prejudice the provision of efficient education or the efficient use of resources. An appeal panel's decision that a child should be admitted is binding on the admission authority.

### Support for parents or carers wanting to appeal

Parents who decide to appeal may wish to obtain specialist advice. The following may be useful initial background for parents or carers considering this route:

- ACE Education website article, ['Disappointed with the school place offered to your child?'](#).
- Gov.uk website article, ['School admissions – appealing a school's decision'](#) .

## 3.4 Further avenues of complaint

Where there is evidence that a school place has been refused because of some unfairness or mistake by the admission authority or a school admissions appeal has been handled incorrectly, the Local Government Ombudsman (LGO – for maintained schools) or the Education and Skills Funding Agency (ESFA – for academy schools) may be able to consider a complaint.

This is not another level of appeal and neither the LGO nor ESFA can question decisions if they were taken properly and fairly by the admission authority or the appeal panel. An [LGO factsheet on school](#)

<sup>15</sup> Department for Education, School Admissions Appeals Code, February 2012, pp20-21.

<sup>16</sup> *Ibid.*, p21.

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[admissions, February 2014](#), provides information about making complaints in relation to school admissions.

## 4. How admission authorities rank applicants

Where a school is under-subscribed, any child applying for a place during the normal admission round must usually be offered one. This does not apply in the case of designated grammar schools (or academies that were previously designated grammar schools). These schools can refuse a place if a child does not meet the required academic standard.

Where a school is oversubscribed the school's admission authority will rank applications against its published oversubscription criteria.

The oversubscription criteria used must be "reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation" (para 1.8 of the Code).

### 4.1 Children automatically receiving the highest priority

#### Looked after and previously looked after children

The Code requires that, for non-selective, non-faith schools, all children in the following two categories must always be given the highest priority in oversubscription criteria:

- Looked after children.
- Previously looked after children, who have left care via adoption, special guardianship order (SGO) or a child arrangements order.

Where a school designated with a religious character (a 'faith' school) gives some priority to children based on faith, it must prioritise looked after and previously looked after children of the faith ahead of other children of the faith.

Guidance on the admission of looked after and previously looked after children to selective schools can be found in paras 1.19, 1.20 and 1.23 of the Code.

#### Children adopted from overseas

Currently, the rules giving admission priority for children adopted domestically do not extend to children adopted from state care overseas. However, the Government has said in response to a PQ that it intends to change this position:

**Asked by: Lord Storey:** To ask Her Majesty's Government why the same school admission criteria for children adopted in the UK do not apply to those adopted from overseas.

**Answered by: Lord Agnew of Oulton:** School admission authorities have been required to give looked after children – those who are in the care of a local council in England - highest priority in their admission arrangements since 2007.

In 2012, this priority was extended to previously looked after children – those who have been looked after but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order. Our intention was to ensure that all children who receive highest priority whilst in care of the local council continue to receive that priority once they have left care.

We have now also decided that when the opportunity arises, we intend to make further changes to the School Admissions Code. These changes will ensure that children who were previously in care outside of England also receive highest priority for admission into a school in England.

Any changes to the School Admissions Code will require a full statutory process, including consultation and parliamentary scrutiny.

However, until we are able to make the relevant changes to the Code, we have written to admission authorities encouraging them to use their current flexibilities in setting their own admission arrangements, to give these children second highest admissions priority in their oversubscription criteria.<sup>17</sup>

### Children with a statement of special educational needs or an Education, Health and Care Plan (EHCP)

The Code states:

[...] All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school must be admitted.<sup>18</sup>

## 4.2 Commonly-used oversubscription criteria

The Code does not provide a definitive list of acceptable oversubscription criteria that can be used by admission authorities.

Commonly-used criteria include:

- Having a sibling at the school.
- Distance between home and school.
- Faith-based criteria (in the case of 'faith' schools).
- Catchment areas.
- Attendance at feeder primary or junior schools.
- Social or medical need.

## 4.3 Selection by ability or aptitude

Where a school selects the whole of its intake, or a proportion of its intake, based on ability or aptitude, then there may be a separate selection test the child must sit. Admission authorities can supply details of any selection tests, timings, and how to register.

## 4.4 Faith-based oversubscription criteria

Schools designated with a religious character ('faith' schools) can use faith-based oversubscription criteria to give higher priority to children of

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<sup>17</sup> [PO HL 3735 \[on Schools: Admissions\], 13 December 2017.](#)

<sup>18</sup> Department for Education, School Admissions Code, December 2014, para. 1.6, Pp. 9 - 10

the faith than children of other faiths or of no faith, where oversubscribed.

Not all faith schools use faith-based oversubscription criteria.

Where there are fewer applicants than places, all applicants must be given a place without reference to faith; schools can't refuse a place solely on the basis that a child is not of the relevant (or any) faith.

## Government consultation on new faith free school admissions

New academies<sup>19</sup> or free schools with a religious character are currently required to admit, as a minimum, 50 per cent of their pupils without reference to faith where oversubscribed.<sup>20</sup>

However, in September 2016, the 2015 Government consulted on removing the 50% cap,<sup>21</sup> allowing new faith schools to select the whole of their intake on the basis of faith, where oversubscribed. This would be subject to certain conditions such as being able to prove that there is demand for places from parents of other faiths.

This proposal was controversial. The Catholic Education Service welcomed it, saying that the move would "enable new Catholic schools to meet the current parental demand for thousands of new Catholic school places across the country."<sup>22</sup>

Conversely, the British Humanist Association launched a campaign to challenge the proposals, arguing:

The principle of integrated education is under attack like never before in this country following the Government announcement that it will introduce a new generation of state schools that can religiously discriminate against children for all of their places.<sup>23</sup>

As at 13 April 2018, the response to the consultation and confirmation (or otherwise) of these plans was still outstanding; the Government said it will respond "in due course".<sup>24</sup>

## 4.5 What criteria cannot be used to rank applicants?

Admission authorities are responsible for determining their own admission criteria, but the Code sets out certain criteria that they can't use. These include:

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<sup>19</sup> I.e. not converters from the maintained or independent sectors, or sponsored academies with a predecessor maintained school.

<sup>20</sup> Department for Education, School Admissions Code, Dec 2014, paragraphs 1.36 to 1.38 and in particular see footnote 30.

<sup>21</sup> DfE, Schools that work for everyone, consultation document, 12 September 2016.

<sup>22</sup> Catholic Education Service press statement, '[Catholic Church welcomes Prime Minister's removal of the cap on faith admissions](#)', 9 September 2016.

<sup>23</sup> See: British Humanist Association website article, '[The future of social cohesion in our country is under threat like never before](#)' (undated).

<sup>24</sup> See Minister Nick Gibb's [response to a petition on faith school admissions](#), dated 29 March 2018, v638

- Having arrangements that directly or indirectly disadvantage children from particular social or racial groups, or children with disabilities or special educational needs.
- Using any other criteria other than those clearly stated in published admission criteria when ranking applicants (i.e., using 'discretion' to admit a child who'd not otherwise qualify for a place).
- Taking into account previous schools attended unless this is a named feeder school.
- Taking into account the rank of parental preferences – i.e., giving a child lower priority simply because the parent had named the school third rather than first on the application form.
- Giving preference based on parents' practical or financial support for the school or a related body, including a religious organisation (aside from particular free schools that can give some priority to children of founders).
- Except in the case of the children of staff and those who would qualify for the [pupil premium](#) or [service premium](#), giving priority to children based on parents' income, occupation, marital or financial status.
- Interviewing parents or children.<sup>25</sup>

### 4.6 Catchment areas

Some areas and schools operate a system of catchment areas, sometimes referred to as priority admission areas. Admission criteria can give some priority to children living within catchment.

Although many schools with catchment areas have space for all catchment children who apply, this isn't always the case and some may apply additional criteria to select between catchment applicants. Therefore, a child can be within catchment but not be offered a place.

Catchment areas must be drawn up in ways that are reasonable and clearly defined (para 1.14 of the Code). If an admission authority is considering changing its catchment area, then this requires a statutory consultation.

In some cases, the term catchment area is used to describe a school's intake area in the previous year – i.e., the furthest distance a child was admitted from under distance criteria. This can be confusing because the school might not in fact have a formal defined catchment area.

### 4.7 In-year applications

Parents or carers who want their child to change schools or join a school outside the normal application round (e.g., in the middle of a school year, or at a point when children don't routinely join the school) will usually be required to make an in-year application.

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<sup>25</sup> There are exceptions for state boarding schools, which may interview children to determine their suitability for boarding, and for entry into the sixth form where a meeting may take place to discuss course options and academic entry requirements. The meeting, however, cannot "form part of the decision-making process on whether to offer a place" (para. 1.9 of the Code).

In some areas, the local authority handles in-year applications for all schools, including own-admission authority schools, but there is no statutory requirement for them to do this. In some cases, parents may need to apply directly to the school in question.

Parents or carers looking for in-year places for their children can contact the local authority for advice to find out what the arrangements are locally, and which schools may have vacancies.

### **Fair access protocols for hard-to-place children**

Fair access protocols set out how school places should be found for children, particularly vulnerable children, who haven't been able to get a place through the usual in-year processes.

Each local authority must have a fair access protocol, which must be agreed with the majority of schools in the local area. The fair access protocol must cover the following groups, as a minimum:

- children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- children who have been out of education for two months or more;
- children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- children who are homeless;
- children with unsupportive family backgrounds for whom a place has not been sought;
- children who are carers; and
- children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan).<sup>26</sup>

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<sup>26</sup> Department for Education, School Admissions Code, December 2014, para. 3.15, Pp. 30

## 5. Schools Adjudicator report

The Chief Schools Adjudicator publishes an annual report on school admissions. The [report for 2016-17](#) was published on 8 February 2018 and its conclusions included:

- The OSA's case work suggested that the main admissions rounds for entry to schools worked well, and served well "the interests of looked after and previously looked after children, those with disabilities and special needs or who are vulnerable for other reasons." However, the Adjudicator remained "less confident that the needs of children who need a place outside the normal admissions rounds are so well met and I am concerned that some of these children, particularly the more vulnerable, spend more time out of school than they should."<sup>27</sup>
- Objections to admission arrangements formed the largest part of the OSA's work. Objections were made concerning a range of issues, including "the selection of feeder schools, testing arrangements in grammar schools, faith based arrangements and catchment areas."<sup>28</sup>
- Data provided to the OSA suggested that there were 329 schools with admission arrangements giving some priority to children qualifying for the pupil premium, service premium, or early years pupil premium. The report stresses that this data should be treated with some caution.<sup>29</sup>
- There was a significant decrease in 2016-17 in the number of objections received about the admission of summer born children to school, compared to the previous reporting year.

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<sup>27</sup> Office of the Schools Adjudicator [Annual Report September 2016 to August 2017](#), February 2018, p4.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*, p19.

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