Guidance on the admission of previously looked after children

Audience: Admissions authorities, Governing Bodies. Headteachers

Admission authorities are asked to consider the guidance issued by the Department for Education on Tuesday 13 May 2014 about the admission of children adopted from local authority care. The purpose of the guidance is to help admission authorities understand their obligations and duties in relation to the admission of previously looked after children.

The guidance explains that Ministers have agreed that the current School Admission Code provisions should be interpreted more widely to give highest priority to all children adopted from local authority care. The policy on admissions, as set out in the School Admissions Code 2012 (para 1.7), was restricting priority to children adopted from care under the Adoption and Children Act 2002 (implemented at the later date of 30 December 2005).

The Department recognises that some admission authorities have elected to grant highest priority to all children adopted from care - not just those adopted from care under the 2002 Act. In recognition of this they have reviewed their position and have similarly concluded that a better and fairer interpretation is that the Code requires priority to be given to all children adopted from care who are of school age, and not just those adopted from care under the 2002 Act.

The Department has stated that this change should take effect immediately and advises that it intends to make the necessary amendments to the School Admissions Code at the first available opportunity. It is acknowledged, however, that since the guidance is non-statutory, it is still a matter for school admission authorities to interpret and apply the Code seeking their own legal advice where appropriate.

Once admission arrangements have been determined for a particular academic year, ordinarily, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of the Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. The advice of the Department is that in this case, referral to the Adjudicator is not necessary as its intention is to ensure compliance with the School Admissions Code 2012.
Local Authority Admission Arrangements

On 1 July, the Council’s Cabinet approved a variation to the Local Authority’s admission arrangements, which apply to community and voluntary controlled schools. Full details are published on the Council’s website at http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=5220

For more information, please contact Barbara Dale.

Item issued in School Bulletin 7 July 2014