



Department
for Education

School admission of children adopted from local authority care

**For local authorities, school
admission authorities and parents**

May 2014

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Summary

About this departmental guidance

This guidance is from the Department for Education. It is non-statutory guidance but is intended to help recipients understand their obligations and duties in relation to granting school admissions priority to previously looked after children.

Expiry or review date

This guidance will next be reviewed before April 2015.

Who is this guidance for?

This guidance is for:

- Local authorities
- School admission authorities
- Independent Appeal Panels
- Parents

Main points

The Government has accepted that the current School Admissions Code provisions in relation to priority school admissions for children adopted from local authority care in England and Wales can be interpreted more widely. The Government now seeks to ensure that forthwith all children adopted from local authority care in England and Wales should have highest priority. Previously the policy on admissions was restricting priority to children adopted from care under the Adoption and Children Act 2002 (implemented on 30 December 2005).

This purpose of this guidance is to clarify the Department's position for school admission authorities. It highlights the key considerations for admission authorities in managing and setting their admission arrangements. It is ultimately a matter for admission authorities to interpret and apply the School Admissions Code, seeking their own advice where necessary

Previously Looked After Children Policy: Children Adopted from Care

The School Admissions Code 2012 introduced the requirement that in addition to Looked After Children (LAC) having the highest priority for school admissions, previously looked after children who left care under a residence¹ or special guardianship order, or who were adopted from care under the 2002 Act should also have the highest priority.

Feedback from stakeholders indicates that some admission authorities have sought their own advice and elected to grant highest priority to all children adopted from care not just those adopted from care under the 2002 Act. The Department in recognition of this has therefore reviewed its own position and, in doing so, has similarly concluded that the better interpretation is that the Code requires priority school admissions to be given to all children adopted from care who are of compulsory school age, and not just those adopted from care under the 2002 Act.

The Department has therefore decided to adopt this wider interpretation of the Code and as a consequence expects admission authorities to give highest priority to all children adopted from care. It is our intention to amend the School Admissions Code at the earliest opportunity to make this clear.

Impact

Because this wider interpretation will only apply to those children adopted from care prior to 30 December 2005, it means the change will mainly impact on secondary school admissions.

Admission authorities should note this change and consider what changes if any might be necessary in relation to both the allocation of school places for the academic year 2014-15 (September 2014 to August 2015) and its determined admission arrangements for the following academic year 2015 -16 (September 2015 to August 2016).

For those admission authorities that already apply the wider interpretation and give highest priority to all children adopted from care it means that the allocation of school places in 2014-15 and the determined admission arrangements for 2015-16 remain unaffected by this change, so no further action is required.

For those admission authorities that have applied the narrower interpretation and limited highest priority to those adopted from care since 30 December 2005 there are a number of implications to consider.

¹ Under the provisions of the Children and Families Act 2014, which amend section 8 of the Children Act 1989, residence orders have now been replaced by child arrangements orders. The reference in paragraph 1.7 of the School Admissions Code to a residence order should accordingly be read as a reference to a child arrangements order.

Allocation of places in 2014-15

Admission authorities should take note of the Government's expectation that all admission authorities will apply this wider interpretation and give highest priority to all children adopted from care with immediate effect.

Admission authorities that decide to adopt this wider interpretation should carry out the following steps:

- Bring that decision to the attention of its appeals panel(s).
- Notify all appropriate bodies and display a copy of the varied admission arrangements on their website; (we consider there is no need to refer the variation to the Schools Adjudicator or in the case of Academies to the EFA since its intention is to ensure compliance with the Code).
- In the event that a school is already over-subscribed and a child adopted from care prior to December 2005 applies late or in-year, they must be granted highest priority when added to any waiting list.

For adoptive parents of previously looked after children who have already accepted a school place that is NOT at a school of their preferred choice, they will wish to consider the following:

- In any appeal against the decision not to award them their first choice, the appeal panel can be asked to consider the specific circumstances in each individual case, including this guidance.
- Some adoptive parents may be reluctant to move their children if they are settled in a school environment but those who now wish to apply for a place at their preferred school should do so as an in-year admission and if places are available, they should be offered a place since they now have highest priority.
- If the school is full then the child cannot be guaranteed a place even with highest priority on the waiting list. In those circumstances, it is open to adoptive parents, as with any other in-year admission, to seek to appeal against that decision.

As with any appeal, the appeal panel will consider, in line with the provisions of the appeals code, why the offer of a place was refused and what the determined admission arrangements were at the time the application for a place was made.

The decision as to whether an appeal is upheld must be made solely by the appeal panel and must be based on the circumstances of each case.

Determined admission arrangements for 2015-16

All admission authorities will have already determined their admission arrangements for entry in September 2015. Where the admission authority decides to change its admission arrangements to bring them into line with the change announced in this guidance it should carry out the following steps:

- Vary its published arrangements.
- Notify all appropriate bodies and display a copy of the varied admission arrangements on their website (again, we consider there is no need to refer the variation to the Schools Adjudicator or, in the case of Academies, to the EFA since the intention is to ensure compliance with the Code)

Further information

External links

The School Standards and Framework Act 1998

Other relevant departmental advice and statutory guidance

Adoption Passport: A Support Guide for Adopters

<http://www.first4adoption.org.uk/being-an-adoptive-parent/the-adoption-passport/>

<https://www.gov.uk/government/publications/school-admissions-code>

<https://www.gov.uk/government/publications/school-admissions-appeals-code>



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