

From: **Shellina Prendergast, Cabinet Member for Education and Skills**  
**Matt Dunkley, Corporate Director for Children, Young People and Education**

To: **Children, Young People and Education Cabinet Committee – 30 June 2021**

Subject: Updated 2021-22 and 2022-23 Admissions Arrangements for Community and Voluntary Controlled schools

Classification: **Unrestricted**

Past Pathway of Paper: **None**

Future Pathway of Paper: **Cabinet Member Decision**

Electoral Division: All

**Summary:**

To update the determined 2021-22 and 2022-23 admission arrangements for Kent community and voluntary controlled primary schools and Kent community and voluntary controlled secondary schools to accommodate new legal requirements in the forthcoming 2021 School Admissions Code.

**1. Introduction**

1.1 The Local Authority (LA), as the admissions authority for Community and Voluntary Controlled schools, is required to determine its admission arrangements for these schools by 28 February each year. The LA fulfils this duty annually and following consideration at Education Cabinet Committee, the Cabinet Member for Education and Skills formally determines admission arrangements in line with the requirements of the 2014 Admissions Code.

1.2 Government consulted on a new Admissions Code in late 2020 and following consideration of responses, laid a new Admissions Code before parliament which will come into force on 1 September 2021, subject to the necessary parliamentary procedure.

1.3 The 2021 School Admissions Code requires children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted to be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). These children will be referred to as internationally adopted previously looked after children (IAPLAC).

1.4 This new provision will necessitate variations to determined admission arrangements to take effect from 1 September 2021. All admission authorities will need to vary their admission arrangements for 2021/22 (which would have been determined by 15 February 2020) and their admission arrangements for 2022/23 (which would have been determined by

15 February 2021). Without these variations, admission arrangements that have already been determined will no longer comply with the Code from this date.

1.5 In the event that the 2021 School Admissions Code does not come into force on 1 September 2021 of any reason, admissions arrangements will remain unchanged from their previously determined state.

## 2. Required Changes

2.1 As these variations will be necessary to comply with a mandatory requirement of the Code, it will not be necessary to refer a variation request to the schools adjudicator.

2.2 Admission arrangements for all Kent community and voluntary controlled schools will remove the current definition of looked after and previously looked after children:

***Children in Local Authority Care or Previously in Local Authority Care*** – a 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements, or special guardianship order. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

And replace them with the following revision:

***Looked After Children and previously Looked After Children*** – A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

*A previously looked after child means such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children who appear to the admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.*

*A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.*

2.2 All applications received by Kent community or voluntary controlled schools before 1 September 2021 will have been processed in accordance with the existing (2014) Code, and offers made and places allocated will be unchanged.

2.3 Any applications received by Kent community or voluntary controlled schools on or after 1 September 2021 will be processed in accordance with the new Code. By way of example, when dealing with in-year applications for the 2021/2022 academic year, children who are determined as being IAPLAC must be given equal highest priority with LAC and PLAC.

2.4 Any child who is on a waiting list for a school before 1 September 2021 and meets the definition of an IAPLAC must be ranked again on 1 September 2021 following the new Code coming into force so that the child is given equal highest priority with LAC and PLAC.

2.5 Admissions Officers have made all own admission authority schools within Kent aware of this requirement and will monitor their admission arrangements to ensure compliance with the new Admissions Code. Kent community and voluntary controlled schools have also been contacted to inform them of this expected change.

### **3. Recommendations:**

The Children's, Young People and Education Cabinet Committee is asked to consider and endorse or make recommendations on the decision that in the event that the expected 2021 School Admissions Code comes into force in September 2021, the Cabinet Member for Education and Skills should DETERMINE:

- a) Updated admission arrangements for Kent community and voluntary controlled primary schools for 2021-22 as detailed in Appendix A
- b) Updated admission arrangements for Kent community and voluntary controlled primary schools for 2022-23 as detailed in Appendix B
- c) Updated admission arrangements for Kent community and voluntary controlled secondary schools for 2021-22 as detailed in Appendix C
- d) Updated admission arrangements for Kent community and voluntary controlled secondary schools for 2022-23 as detailed in Appendix D

#### **Lead Officer Contact details**

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#### **Background documents**

Appendix A - Admission Arrangements for Community and Voluntary Controlled Infant, Junior and Primary Schools 2021/22 (including oversubscription criteria and published admission numbers)  
Appendix B - Admission Arrangements for Community and Voluntary Controlled Infant, Junior and Primary Schools 2022/23 (including oversubscription criteria and published admission numbers)  
Appendix C – Admission Arrangements for Community and Voluntary Controlled Secondary Schools 2021/22 (including oversubscription criteria and published admission numbers)  
Appendix D – Admission Arrangements for Community and Voluntary Controlled Secondary Schools 2022/23 (including oversubscription criteria and published admission numbers)