

# Admissions to school

*Northumberland Virtual School for Looked After Children*



**The aim of this document is to set out clearly the processes in Northumberland which ensure that the admission of looked after children and previously looked after children into school is carried out with the minimum of delay and is compliant with statutory guidance.**

Statutory guidance for promoting the education of looked after and previously looked after children was revised and re-published by the DfE in February 2018. Paragraphs 16 to 17 of the local authority statutory guidance clarify that:

*Admissions authorities of all mainstream schools must give the highest priority in their oversubscription criteria to looked-after and previously looked-after children, as defined in the School Admission Code. The admission requirements for looked-after and previously looked-after children are set out in the School Admissions Code. This Code applies to maintained schools and academies, including free schools.*

*17. It is the responsibility of the VSH to ensure that:*

- *admission authorities understand that they cannot refuse to admit a looked after child on the basis of challenging behaviour or refer a looked after child for action under the Fair Access Protocol on the basis of challenging behaviour (See paragraph 3.12 of the School Admissions Code).*
- *admission authorities understand that looked-after children can be admitted as 'excepted pupils' in relation to the infant class size limit, if they are admitted outside the normal admission round (see 2.15(b) of the School Admissions Code); and*
- *the local authority, as a corporate parent, does not tolerate drift and delay where children the authority looks after are without an education placement that is appropriate to their assessed needs. This includes using their powers of direction in a timely way rather than delay issuing a direction as a result of protracted negotiation.*

The Admissions Authority refers to local authorities, academy trusts and governing bodies.

*The Code does not apply to special or nursery schools.*

All schools/academies which manage their own admissions or have their own admissions policies should note that the Admissions Code is clear that when setting out over subscription criteria, LAC or previously LAC children should be given the highest priority i.e. they should be number 1 in the over subscription criteria.

The link below contains the appropriate guidance-refer to page 10, paragraph 1:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389388/School\\_Admissions\\_Code\\_2014\\_-\\_19\\_Dec.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf)

## Faith Schools

Admission authorities for schools designated with a religious character may give priority to all looked after children and previously looked after children whether or not of the faith, but they must give priority to looked after children and previously looked after children of the faith before other children of the faith.

Where any element of priority is given in relation to children not of the faith they must give priority to looked after children and previously looked after children not of the faith above other children not of the faith.

Faith schools are not required to rank non-faith looked after children as their first priority in the over subscription criteria.

## Directing school admissions

The School Admissions Code (December 2014) is in place to support the admission of looked after and previously looked after children into school. These regulations require admission authorities to give these children the highest priority at the normal point of entry including oversubscription, **(para 1.7)**. The Secretary of State can direct academies to admit a looked after child, **(para 3.2)** and the Virtual School Head can represent a Local Authority to request that intervention where it considers that an academy will best meet the needs of any looked after child.

The form can be accessed at: [Academy admission request form for looked-after children - GOV.UK](#) As looked after and previously looked after children are not part of the in-year fair access protocol the DfE has developed a flowchart which demonstrates what needs to be done to obtain an in-year school place which may need to go down the route of direction. The flowchart applies to maintained schools and academies.

The DfE's admissions flowchart is included as Appendix 1 to this document.

Outside the normal admissions round, local authorities may direct the admission authorities of any maintained school (other than a school for which they are the admission authority) to admit a looked-after child to the school best suited to their needs. Such action must be taken in the best interests of the child.

Before giving a direction, the local authority must consult the admission authority for the school they propose to specify in the direction. The admission authority then has seven days to inform the local authority if it is willing to admit the child without being directed to do so.

If, following the consultation, the local authority decides to issue the direction, it must first inform the admission authority, the governing body (if the governing body is not the admission authority), the head teacher and, if the school is in another local authority area, the maintaining local authority. If the admission authority (or the governing body if it is not the admission authority, and only in relation to a looked-after child who has previously been excluded from at least two schools) considers that admission of the child would seriously prejudice the provision of efficient education or efficient use of resources, the admission authority has seven days in which to refer the case to the Schools Adjudicator. The Adjudicator may either uphold the direction or, if the local authority that looks after the child agrees, determine that another school in England must admit the child. The Adjudicator's decision is binding.

Local authorities can also ask the Secretary of State to direct academies to admit looked-after children.

At the point it is decided to accommodate a child or young person of school age, or to change a child or young person's placement, consideration must be given to their education. School, or other educational provision, offers stability and familiarity, therefore every effort should be made to minimise disruption to the child's education.

If a Looked After Child is currently excluded from school, or there are other difficulties in planning for their education, the child's Social Worker will discuss the case with the Virtual School.

## **Children with Special Educational Needs (SEN)**

### **Children with Statements and EHCPs**

All governing bodies are required by **section 324 Education Act 1996** to admit to the school a child with a Statement of SEN that names the school. Under **section 37 Children and Families Act 2014**, the school named in an Education, Health and Care Plan (EHCP) must admit the child. This is not an oversubscription criterion – schools *must* admit such children regardless of whether they have places available. Admission authorities must not imply in their published admission arrangements that they have discretion over the admission of children with Statements of SEN or an EHCP.

Children with Statements of SEN/EHCPs are not admitted through the admissions arrangements and are placed in schools through the statement/EHCP process.

## Children with SEN but no Statement/EHCP

It is unlawful for an admission authority to refuse admission to a child who has SEN, but has no Statement or EHCP:

- on the grounds of the child's challenging behaviour (except in very limited circumstances); or
- because it believes the child requires a statutory assessment or requires additional support.

Any such refusal to admit can be challenged at an Independent Admission Appeal Panel. If the appeal is unsuccessful, an application for judicial review of the panel's decision or a complaint to the Local Government Ombudsman may be appropriate.

In line with the **Equality Act 2010**, children with disabilities must not to be treated less favourably than others in the admission process. A school should make 'reasonable adjustments' to prevent discrimination. Any complaint of discrimination in admission arrangements should be made to the Independent Admission Appeal Panel, *not* the First Tier Tribunal.

The Virtual School's Education Support for Looked After Children service is currently based at the following location:

Brunel Building  
64 Regent Street Blyth  
Northumberland  
NE24 1LT

Telephone number: 01670 622779

The School Admissions Team can be contacted at 01670 624889.

## Local procedures

### For a Northumberland looked after child to a Northumberland School

1. Social worker (SW) contacts ESLAC to discuss change of school place and seek advice re choice of school and process.
2. ESLAC contacts School Admissions to check on correct catchment school and situation regarding numbers.
3. SW asked to complete preference form online where possible; ensuring there is consent given by the adult who has parental responsibility for the child. ESLAC will support this process and liaise with School Admissions and the receiving school.

4. Admissions/ school will inform the social worker/ESLAC that a place has been allocated, SW/ESLAC arranges for carer/parent and child to visit the school.
5. ESLAC shares relevant information with receiving school and arranges for the current school to pass over the child's school records, including Personal Education Plan if already LAC.
6. SW ensures that Personal Education Plan 1 is up to date and available on ICS for ESLAC ESW to give to school.
7. ESLAC Education Support Worker (ESW) will liaise with all parties and review PEP within 1 month of the transfer. If the child has just become LAC they will arrange with all parties to complete a PEP within 6 weeks of the child entering the school.
8. ESLAC will ensure that the school details are updated in the Virtual School database and inform SEND if the child is in receipt of STAR funding.

### **For admission of a looked after child with an Education Health and Care Plan**

Admissions of children with an Education, Health and Care Plan (EHCP) must be scrutinised by the SEND team.

1. SW contacts ESLAC Team manager to discuss change of school place and seek advice regarding choice of school and process.
2. ESLAC Team manager will contact the SEND Officer to discuss the case. If an SEND review is required then ESLAC will liaise with school to ensure one is carried out and the paperwork forwarded to SEND who will request a place at the appropriate school.
3. SEND Officer to inform ESLAC Team manager, when they have a response from school. ESLAC contacts SW and carer giving Headteacher's contact details for them to arrange visit etc. and agree integration plan.
4. ESLAC officer shares relevant information with receiving school and arranges for the current school to pass over the child's school records, including Personal Education Plan if already LAC.
5. SW ensures that Personal Education Plan 1 is up to date and available on ICS for ESLAC to give to school.
6. ESLAC officer will liaise with all parties and review PEP within 1 month of the transfer. If the child has just become LAC they will arrange with all parties to complete a PEP within 6 weeks of the child entering school.
7. ESLAC will ensure that the school details are updated in the Virtual School database.

## **For admission of a non-Northumberland looked after child into a Northumberland provision**

Northumberland County Council wish to ensure that any looked after child placed in the county has access to appropriate education provision with the minimum of delay. All local authorities and Independent Fostering Agencies placing young people in Northumberland are requested to contact the Team Manager of the Education Support for Looked After Children Team at [ESLAC.info@northumberland.gov.uk](mailto:ESLAC.info@northumberland.gov.uk) or telephone 01670 622779 preferably before the child is placed to discuss their education provision.

If the child is transferring from a mainstream school and does not have an Education Health and Care Plan:

1. ESLAC Team Manager will advise on correct catchment school for the placement address. The child's social worker to complete preference form on-line if possible with agreement by an adult who holds parental responsibility for the child.
2. All applications for looked after children are fast tracked by School Admissions.
3. Carers/SW will be informed of the offer of a school place by School Admissions and advised to make contact with the named school.
4. ESLAC will ensure that the school details are updated in the Virtual School database

Admissions of children with Education Health and Care Plans must be scrutinised by the SEND team.

1. SW contacts ESLAC Team manager to discuss change of school place and seek advice regarding choice of school and process.
2. ESLAC manager will contact SEND team to discuss the case.
3. The SEND team will request a copy of the child's EHC Plan and most recent review from the home authority which will then be considered. Papers will be sent to appropriate schools.
4. SEND Officer to inform ESLAC Team Manager when they have a response from school. In the event of a choice of provision being offered SW/carers will be informed and requested to arrange visits to the schools identified to enable an informed choice to be made. The SW may wish to involve their own Virtual School team in this process. Once a choice is made further visits can be made to agree an integration plan.
5. The child's home authority Virtual School will be requested to share relevant information with receiving school and arrange for the current school to pass over the child's school records, including Personal Education Plan if already LAC.

6. It remains the responsibility of the home authority to make arrangements for the Personal Education Plan to be completed.
7. SEND team will inform ESLAC of the allocation of a school place to enable the Virtual School database to be updated.

**For allocation of provision for non-Northumberland looked after children without an EHC Plan who have not been /are unable to access mainstream provision or who have been permanently excluded.**

1. SW from the child's home authority is requested to contact ESLAC Manager at [eslac.info@northumberland.gov.uk](mailto:eslac.info@northumberland.gov.uk) or telephone 01670 622779 preferably before the child is placed to discuss education provision. It would also be useful at this stage to discuss funding for any provision offered.
2. They will be requested to complete a Preference form and a Pupil Information Passport and supply any further information that would be supportive of the decision making process. Poorly completed Pupil Information Passports will be returned resulting in delay.
3. If a child has been permanently excluded then the Education Welfare team manager will deal with the case.
4. The decision will be communicated to the child's SW by the ESLAC team manager.
5. ESLAC will ensure that the provision details are updated in the Virtual School database.

**Appendix 1 Admissions Flowchart (DfE)**





