

Priority School Admissions for Adopted Children (England)

The Schools Admissions Code in England gives the highest priority for school places to looked after and previously looked after (including adopted) children. This short guide explains what that means in practice if you are looking for your child's first primary or secondary school, or wishing to change schools.

How Do Priority Admissions Work?

A maintained school is usually obliged to offer a place at the school to every child that applies as long as there are places available (except for designated Grammar schools).

If there are more applications than there are places available, then the school has to decide which children will be offered a place.

This is done using over-subscription criteria. Every admitting authority must publish the over-subscription criteria which they will use to allocate places if they are over-subscribed.

With a few exceptions, the over-subscription criteria must give priority to looked after and previously looked after children. This means that those children go directly to the top of the list.

The Normal Admissions Round

In the normal admissions round (i.e. admission to Reception or Year 7 at the start of a new school year) this means that all looked after and previously looked after children are effectively guaranteed a place at the school of their choice (with a few exceptions detailed later in this guide). Places are allocated to looked after and previously looked after children first and then the school works down through the rest of the criteria.

Outside the Normal Admissions Round

If your child is joining a school outside the normal admissions round (i.e. not in Reception or Year 7, or in the middle of the school year), the school should offer them a place if there is a place available.

However, if the school or class is already full, priority admissions means that looked after and previously looked after children will go to the top of the waiting list.

Schools must determine an admissions number for each age group within the school, called Published Admissions Number (PAN). When the PAN is reached, the class is considered full. However, schools may admit above the PAN if they wish, so exceeding the PAN is not necessarily a barrier to offering a place, but schools are not required to do this.

Where the 30-child limit applies in infant classes, the School Admissions Code states that additional children "may be admitted under limited exceptional circumstances" and this can include admitting previously looked after children. Again, school may do this, but are not required to.

If a class is full and the school can make a good case that accepting an additional child would prejudice the efficient education or use of resources in the school, then the local authority cannot force the school to admit the child on the basis that they are previously looked after.

All of the information in this short guide is based on statutory guidance in the 'School Admissions Code', which was last updated in 2021. This guidance applies to state schools in England.

The complete document, published by the Department for Education in England, is available to read online at www.gov.uk

Is My Child Eligible?

Children adopted from state care in England are all eligible for priority admissions. Admissions authorities are entitled to ask for proof of a child's previously looked after status. They may request a copy of the adoption order, for instance. They may also request a letter from the placing authority confirming that the child was looked after prior to being adopted.

In the 2021 School Admissions Code, eligibility for priority access was extended to include children adopted from state care in nations other than England, including all nations of the UK, and internationally.

Admissions authorities are entitled to ask for evidence both that the child is legally adopted and that they were in the care of the state prior to their adoption. State care includes the care of a public authority, a religious organisation or any other provider of care whose purpose is to benefit society. Virtual School Heads should work with parents to establish eligibility and to be sensitive and flexible in considering a range of evidence.

Evidence of international adoption could include Article 23 certificates and Article 16 reports (for Hague convention adoptions) as well as adoption certificates, other official court documents and letters and reports from agencies who were involved in the prior care of the child.

Does priority access apply to all schools?

In the normal admissions round, parents may apply for a place in any state-funded school, including schools outside the local authority area, even if they live outside of the catchment area of the school, or the child did not attend a feeder primary school. In almost all cases, priority admissions will still apply.

However, in some types of schools, different rules apply.

In a designated Grammar school, where admissions wholly rely on scores in a selection test, priority admissions for looked after and previously looked after children do not apply.

In partially selective schools, where there are other admissions criteria in addition to selection test scores, then, in the allocation of remaining places after selection, priority admissions for looked after and previously looked after children apply.

Faith-based schools are allowed to use faith-based criteria as part of their over-subscription criteria, but looked after and previously looked after children of the faith must be prioritised above other children of the faith.

If the school also has over-subscription criteria for children not of the faith, then within that they must give priority to looked after and previously looked after children who are not of the faith above other children who are not of the faith.

Some faith schools choose to prioritise all looked after and previously looked after children, whether of the faith or not. Check the published over-subscription criteria for the school for clarification.

Children with an Education, Health & Care Plan (EHCP)

Under Section 43 of the Children and Families Act 2014 schools have a 'duty to admit' a child if the school is named on the child's EHCP. In the normal admissions round, EHCP places are allocated before all other places and are not subject to over-subscription criteria. The Schools Admission Code clarifies that schools may go above their Published Admissions Number (PAN) or exceed the 30-pupil infant class size limit in order to fulfil this duty.

Summer Born Children and Deferred Entry

No child is required to attend school until they reach compulsory school age. All summer born children may start school in the September following their fifth birthday, and request that they are admitted outside of their normal age group (into Reception rather than Year 1). If the admission authority agrees, then normal admissions procedures, including priority admissions, will apply.

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