

# Admissions Process for Tameside Looked-After Children (LAC) without an EHCP applying for School Places in Tameside Mainstream Schools / Academies

## Introduction

This protocol sets out the key processes that the Virtual School and the School Admissions team will follow, in order to ensure the consistent, transparent and timely admission onto school roll of looked after children without an EHCP outside the normal admissions round. Applications for admission to a school as part of a normal intake to Reception, Year 3 or Year 7 will be managed in accordance with Tameside's coordinated admission scheme.

## Background

DfE Admissions guidance is clear that the highest priority within each school's admission arrangements **must** be given to looked after children and previously looked after children (children who have left care through adoption, a special guardianship order or child arrangements order).

Delays in accessing school places can have a negative impact on children: de-schooling them, increasing gaps in education, making eventual integration to school more difficult and putting stress on fostering arrangements that can result in breakdown of the placement. It is vital that social workers consult promptly with the Virtual School on any plans to change a looked-after child's school place and submit a school application within five working days of a decision being made.

Tameside Council expects its looked-after children to be admitted without delay to whichever school has been identified as being appropriate to meet their needs. This is a decision that will be made collaboratively by social workers, carers and the Virtual School.

An admission authority must respond to an application for a school place within 10 school days of receipt. When a school place is refused it must give the reason why and include information about the right to appeal, the deadline for lodging an appeal and the contact details for making an appeal. However, when a looked after child has been refused a school place, it is appropriate for the local authority looking after the child to use its powers of direction or request an intervention from the Secretary of State.

## Processes for the in-year admission of Tameside looked after-children (see Appendix 1 flowchart)

1. For each child in the care of Tameside Council applying for a place in a Tameside school, a social worker, with support from the Virtual School will complete the in-year school admission application form, which will be submitted online to Tameside's Admissions team. For Tameside looked-after children applying for a school outside Tameside, the application will be discussed with the relevant Tameside Virtual School officer before contact is made with schools or the receiving local authority, to determine who will take on what role.
2. Some faith schools may require a supplementary information form to be completed where a higher priority is given to looked-after children baptised in that faith than to looked-after children who are not. In such cases the social worker must ensure they complete the school's supplementary information form to ensure the child is considered under the correct criterion.

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3. Tameside's Admissions team will alert colleagues in the Virtual School to any application that is made for a looked-after child which has not been completed by the social worker, before referring the application to a school.
4. Prior to completing the application form, the Virtual School and social worker will consider which schools are likely to be the most appropriate for the child and name a preference.
5. Once the application form has been received by Tameside's Admissions team it will be referred within 5 working days to the preferred school for placement. The Admissions team will alert the school to this referral by secure email, confirming that the application is for a looked-after child and set out the timeframe for a response. Outside the normal admissions round schools are expected to admit a looked after child as quickly as possible. A placement should be secured within 20 school days of application.
6. **Within 5 school days of receiving the referral** the school must tell the Admissions team either:
  - a) that it is willing to admit the looked-after child, or
  - b) that it cannot admit the looked-after child, and a letter of response indicating its reasons for not doing so has been sent
7. Where a school refuses admission, the Admissions team will review the case with the Virtual School and in doing so, consider the reasons presented by the school while taking the following into account:
  - i the reasons presented by the school
  - ii whether or not the school is already more than 5% over PAN or other agreed limit in the year group
  - iii the number of Fair Access placements, children in care, children that were previously in care and children with additional needs in the year group
  - iv whether the school has been recently judged by Ofsted to be inadequate following a Section 5 inspection or Section 8 monitoring visit (i.e. is judged to require Special Measures or to have Serious Weaknesses)
  - v the circumstances of the child, including where they live
  - vi any information provided by professionals e.g. a social worker.
8. If the Admissions team and the Virtual School believe that, based on the case presented, a different school would be more appropriate, an application will be made to another school, however if the Admissions team and the Virtual School believe the preference school is still the most appropriate placement for the child, the Admissions team and the virtual School will progress a direction to place there.

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9. In the case of a maintained school, the Admissions team will write to the admission authority advising them of their intention to direct. The admission authority will have 5 school days to admit the child or to appeal by referring the case to the Schools Adjudicator. If the admission authority refers the case to the Schools Adjudicator, it must notify the Admissions team. If after 5 school days the child has not been admitted and the admission authority has not referred the case to the Schools Adjudicator, the Admissions team will direct the admission authority for the school to admit the child.
10. In the case of an Academy, the Virtual School will write to the governing body or Academy Trust for the school, advising that the case will be referred directly to the Secretary of State if the child is not admitted within 5 school days. If after 5 school days the child has not been admitted, or no response is forthcoming from the governing body, the Virtual School will refer the case to the Secretary of State for a decision.
11. Where applications are made for looked-after children in year 11, the expectation is that these children will be placed on roll at a school. Whilst the school may decide to arrange alternative provision for the child, Tameside will not fund alternative provision either as part of an arrangement made by a school or as an alternative to placing a looked-after child on a school roll.

### **12. Previously looked after children**

A 'previously looked after child' is defined as a child who after being looked after became subject to:

- an Adoption Order under the Adoption Act 1976
- or under Section 46 of the Adoption and Children Act 2002
- a Residence or Child Arrangement Order under Section 8 of the Children Act 1989
- or Special Guardianship Order under Section 14a of the Children Act 1989.

For previously looked after children the parent or carer will need to provide evidence that their child was previously looked after.

The 2021 Code contains an expanded definition of previously looked after children to include children who were in state care outside of the UK but were subsequently adopted. Furthermore, the definition of "state care" has been expanded, to include being in the care of public authorities, religious authorities or other organisations that act in the public benefit.

In the UK, previously looked after children do receive priority when moving schools outside the normal admissions round. This is part of the national admissions code, which is designed to support the educational stability and well-being of children who have been in care.

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## Appendix 1: Looked After Flow Chart to be used in conjunction with Fair Access Protocols)

