

## Draft Advisory Sheet

# Admission of children from Armed Services families

### School Admissions Code

The DfE School Admissions Code 2014 (the Code) imposes mandatory requirements and includes guidance setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions. Admissions arrangements must be formulated, and applications processed, in line with the requirements of the Code.

### Admission Arrangements

Schools must publish admission arrangements setting out how applicants will be prioritised for places if the school is oversubscribed (i.e. has more applications than places available). These arrangements are determined by the admission authority for the school. The admission authority for Community and Voluntary Controlled schools is the home local authority, and for Academies and Foundation, Trust, Voluntary Aided and Free schools it is the governing body.

Other than for Boarding schools, there is no mandatory requirement within the Code to give children from Armed Service families priority for a school place within admission arrangements. However there is a requirement to ensure that Armed Services families are not disadvantaged through the admissions process (paragraph 2.18 b).

Children from Armed Services families may be disadvantaged in two ways when it comes to applying for a school place:

- in Local Authority policies for accepting applications from families who live abroad; and
- in being more likely to have a need to apply for a school place outside the normal admissions round when schools may already be full

### Service Premium

The latest MoD guidance, published on 23 July 2018, states that pupils attract the Service Premium if they meet the following criteria:

- one of their parents is serving in the regular armed forces
- they have been registered as a 'service child' in the school census at any point since 2011 (\*)
- one of their parents died whilst serving in the armed forces and the pupil receives a pension under the Armed Forces Compensation Scheme or the War Pensions Scheme
- pupils with a parent who is on full commitment as part of the full time reserve service are classed as service children

(\* Ever 5 service child measure. The premium was extended in 2015/16, such that any pupil in Reception to Year 11, who has been flagged as a service child since the January 2011 census, will continue to receive the premium (Ever 5 service child).)

Paragraphs 1.39A and 1.39B of the Code confirm that admission authorities may provide priority within their admission arrangements to children who are eligible for the service premium, or those eligible for the service premium who attend a nursery which is part of, or established and run by, the school. There is no mandatory requirement to provide such priority and Surrey's admission arrangements for Community and Voluntary Controlled Schools do not currently provide this priority.

### Boarding Schools

With the exception of children with Education, Health and Care Plans (EHCPs) and Looked After or previously Looked After children who must receive the highest priority, paragraph 1.41 of the Code requires

boarding schools to give the next highest level of priority within their admission arrangements to children of members of the UK Armed Forces who qualify for MoD assistance with the cost of boarding school fees.

### **Infant Class Size Legislation**

The School Admissions (Infant Class Sizes) (England) Regulations 2012 requires that infant classes, those that teach children aged of 5, 6 or 7, must contain no more than 30 pupils with a single teacher, except where any child admitted above this number has been admitted as an 'excepted pupil'. Children from Armed Service families are listed as a permitted exception.

Although the Infant Class Size Regulations allow for children from Armed Services families to be considered as an exception to infant class size, this only applies if a decision is made to admit the child. An admission authority may still refuse admission; for example, where the school is full in the relevant year group, and where there are other children higher on the waiting list or a further admission would prejudice the provision of efficient education or the efficient use of resources within the school.

### **Service Family Relocation**

Paragraph 2.18 a) of the Code places a requirement on admission authorities to allocate a place in advance of an Armed Service family arriving in the area following a confirmed posting, provided the application is accompanied by an official letter which declares the relocation date and a Unit postal address or quartering area address.

The application must still be considered against the school's oversubscription criteria to determine whether a place can be offered or not. However paragraph 2.18 a) of the Code confirms that admission authorities should accept a Unit postal address or quartering area address for a service child and must not refuse a place because they do not currently live in the area. This means an application for a service child should be considered from the new posting address, not the current address which applies to other applicants, thus removing the disadvantage which could otherwise be created by the requirement for Armed Services families to relocate for work purposes, often at short notice.

In line with this, Surrey accepts applications for children from service families who are not currently residing in Surrey where evidence of a posting to the area is provided, including those returning from abroad.

For new round admissions (transfer to Reception, Year 3, Year 7 in September) applications for children from service families are accepted and processed in line with the normal timescales published within the coordinated scheme.

For in year admissions (transfer to a school in year) applications for children from service families will be accepted up to 4 months prior to a move to the area. For non-service children, applications are only accepted up to 4 weeks prior to the required transfer.

This ensures children from Armed Services families are able to submit an application for a school place ahead of their posting back to the UK and for a UK address to be used in the allocation of places, thus removing disadvantage.

### **Exceptional Social / Medical criterion**

Surrey's admission arrangements for Community and Voluntary Controlled schools give priority to children with an exceptional social and / or medical need for a place at the preferred school. Whilst not providing explicitly for children from Armed Services families, this priority might be applied if it was felt an Armed Service family had an exceptional social reason, possibly linked to their Armed Service status, for requiring a place at a particular school. Decisions are made on a case by case basis.

However receiving this priority does not guarantee that a place can be offered if, for example, a school is already full. Where a school is full the Local Authority might ask them to admit above the Published Admission Number if the child falls within Surrey's Fair Access Protocol.

Schools that act as their own admission authority are responsible for making their own decisions on admissions but Surrey's Admissions team would liaise with those schools and would endeavour to support Armed Services families to ensure a suitable school placement could be found.

### **Fair Access Protocol**

The Local Authority is required by the School Admissions Code to agree a Fair Access Protocol with the majority of schools in the area which ensures that, outside the normal admissions round, unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.

Whilst most children from Armed Services families will be offered a place via the normal in year admissions process, Surrey's Fair Access Protocol does provide for children of UK service personnel to be placed in accordance with the Protocol where a change of location, ordered by the service, leads to a need for a change of school. This allows the Local Authority to allocate a school place via the Protocol if an in year application is not successful.

Placements made under the Fair Access Protocol will give regard to parental preference, however this will not override the Protocol if there are reasons why the preferred school is unable to offer a place. As such, a place at a preferred school is not guaranteed.

For Fair Access cases placements, schools may admit over their Published Admission Number and without regard to other children on the waiting list. However, infant class size legislation must still be adhered to.

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