STATUTORY INSTRUMENTS

2021 No. 833

EDUCATION, ENGLAND

The School Admissions Code (Appointed Day) (England) Order 2021

Made - - - - 10th July 2021

The Secretary of State, in exercise of the powers conferred by sections 85(5) and 138(7) of the School Standards and Framework Act 1998(**a**), makes the following Order.

Citation, extent and application

1.—(1) This Order may be cited as the School Admissions Code (Appointed Day) (England) Order 2021.

(2) This Order extends to England and Wales.

(3) This Order applies in relation to England only.

Appointed day

2. The day appointed for the coming into force of the School Admissions Code (a copy of a draft of which was laid before each House of Parliament on 13th May 2021)(**b**) is 1st September 2021.

Savings provision

3.—(1) Despite article 2, the School Admissions Code 2014(**c**) continues to have effect, as it had effect immediately before 1st September 2021, in relation to an application for the admission of a child to a maintained school made before 1st September 2021.

(2) In this article "School Admissions Code 2014" means the School Admissions Code, a copy of a draft of which was laid before each House of Parliament on 30th October 2014 and which came into force on 19th December 2014.

Nick Gibb
Minister of State
Department for Education

10th July 2021

(**a**) 1998 c. 31. Section 85 was amended by section 40 of the Education and Inspections Act 2006 (c. 40) and S.I. 2007/1388. Section 138 was amended by paragraph 1 of Schedule 22 to the Education Act 2002 (c. 32), paragraph 8 of Schedule 16 to the Education Act 2005 (c. 18), paragraph 21 of Schedule 4 to and paragraph 3 of Schedule 17 to the Education and Inspections Act 2006, section 62 of the Education Act 2011 (c. 21), and paragraph 2 of Schedule 16 to the Deregulation Act 2015 (c. 20).

(**b**) See www.gov.uk/government/publications/school-admissions-code--2.

(**c**) Also see www.gov.uk/government/publications/school-admissions-code--2; brought into force by S.I. 2014/3321.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st September 2021 as the day on which the School Admissions Code ("the Code") comes into force.

The Code replaces the previous School Admissions Code, which came into force on 19th December 2014 ("the School Admissions Code 2014"), subject to the savings in article 3.

The Code imposes requirements and includes guidelines setting out aims, objectives and other matters in relation to the arrangements for admission to maintained schools.

The Code makes a number of changes:

— it introduces a number of specific provisions relating to the in-year admissions system and, in particular, the in-year admissions system in relation to vulnerable children (as defined in the Code). An in-year application is an application for a school place made after the beginning of the academic year or at the start of the year which is not the normal point of entry for the school;

— it introduces a requirement on local authorities to publish details on their website (with hard copies made available to parents on request) about how in-year applications may be made and how they will be dealt with;

— it introduces a requirement for admissions authorities to update their own or the school's website with a copy of their determined admission arrangements by 15th March each year;

— it aligns the provisions relating to children previously looked after by a local authority in England to those previously looked after by a local authority outside of England;

— it makes changes in relation to "fair access protocols" (i.e. the protocols local authorities must have in place to ensure that school places are found for children who otherwise do not have a school place);

— it amends the requirements for children of service-men and –women and children of crown servants when applying for a school place after the beginning of the academic year or at the start of the year which is not the normal point of entry for the school;

— it lists new groups of vulnerable and hard-to-place children who can be placed in a school by a local authority when they are having difficulty securing a school place after the beginning of the academic year or at the start of the year which is not the normal point of entry for the school;

— it contains new provisions concerning the admission of children with challenging behaviour and sets out circumstances in which an admissions authority can and cannot refuse to admit a child who displays challenging behaviour.

Article 3 of this Order saves the School Admissions Code 2014 in relation to applications for places at a maintained school made before the Code comes into force.

Copies of the Code (ISBN 978-1-5286-2575-3) may be purchased from the APS Group, Chetham House, Bird Hall Lane, Cheadle Heath, Cheshire, SK3 0ZP, telephone orders: +44 (0) 161 495 4500, e-mail orders: marketing@theapsgroup.com, website: www.theapsgroup.com. The Code may be downloaded free of charge from www.gov.uk/official-documents.

Copies of the School Admissions Code 2014 (ISBN 978-0-1170-6722-6) may be purchased from TSO, P.O. Box 29, Norwich, NR3 1GN, telephone orders: 0870 600 5522, fax orders: 0870 240 3701, e-mail: customer-service@tso.co.uk, website: www.tsoshop.co.uk, and from TSO shops and accredited agents. The School Admissions Code 2014 can be downloaded free of charge from www.gov.uk/official-documents.

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