

North Somerset Council Decision

Decision Of: Executive Member for Children's Services & Lifelong Learning

With Advice From: Director of Children's Services and Head of Service, Strategic Planning & Governance

Directorate: Children's Services



Decision Number: CY03 (2021/22 SCHEME)

SUBJECT: Changes to the Community and Voluntary Controlled Arrangements for the 2021-2022 and 2022-23 school years to include the new statutory required International Adopted Previously Looked After Children oversubscription criteria

Key Decision: Yes

Reason:

Each local authority (LA) has a duty to set admissions arrangements for schools for which the LA is the admissions authority. All admissions authorities must abide by the School Admissions Code. A new Code will come into effect from the 1 September 2021 (conditional on passing through the Parliamentary process). The new Code requires that internationally adopted previously looked after children – “IAPLAC” be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). The North Somerset 2021-22 and 2022-23 school admissions policies therefore need amending to include this additional oversubscription criteria in order to comply with the new School Admissions Code 2021.

Background:

Admission authorities must act in accordance with the School Admissions Code, other laws relating to admissions, and relevant human rights and equalities legislation. The 2021 School Admissions Code (the Code) requires children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted to be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). This advice refers to these children as internationally adopted previously looked after children – “IAPLAC”.

Decision:

Conditional on passing through the Parliamentary process, to adopt the variation to the Community and Voluntary Controlled School Admissions 2021-22 and 2022-23 policies so that the Children Previously in Care criteria includes a fourth bullet point relating to children previously in state care outside of England:

For Children previously in Care:

- *this includes children who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see section 46 adoption orders)*
- *child arrangements orders are defined in s.8 of the Children Act 1989, as amended by s.12 of the Children and Families Act 2014. Child arrangements orders replaced residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order*
- *in accordance with Section 14A of the Children Act 1989, a Special Guardianship Order is defined as an order appointing one or more individuals to be a child's special guardian (or special guardians).*
- ***Children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.***

Reasons:

The Local Authority has a duty to comply with the latest School Admissions Code. Without this change our policies would not be compliant from the 1 September 2021.

Options Considered:

It is a legal requirement to set admissions arrangements.

Financial Implications:

None.

Costs

None.

Funding

None.

Legal Powers and Implications:

Section 1 (1.1 to 1.51) of the School Admissions Code December 2014 and the main provisions relating to admissions are in Chapter 1 of Part 3 of the SSFA 1998.

Climate Change and Environmental Implications:

Within each oversubscription criterion, priority is given to children living nearest to the school, which, where possible, encourages local schools for local children. The reduced travel distance increases the likelihood of sustainable travel choices, such as walking and cycling. The inclusion of internationally adopted previously looked after children in a higher criterion than distance and may result in some children travelling further to a school of their choice rather than their local school.

Consultation:

As these variations will be necessary to comply with a mandatory requirement of the Code, the normal statutory admissions consultation is not required.

Risk Management:

Legal requirement to be set. Failure to set would mean we are in breach of the school admissions code.

Equality Implications:

Have you undertaken an Equality Impact Assessment? No
The legal requirements for setting admissions arrangements have been adhered to.

Corporate Implications:

The council has a duty to formulate and publish the admission arrangements for all schools for which the LA is the admissions authority for.

Appendices:

None.

Background Papers:

- [School Admissions Code 2021](#)
- [School Admissions Appeals Code 2012](#)
- [School Standards and Framework Act 1998](#)

Signatories:

Decision Maker(s):

Signed: 

Title: Executive Member for Children’s Services and Lifelong Learning

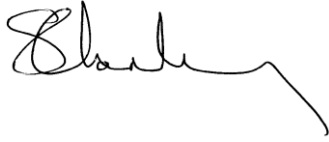
Date: 1 July 2021

With Advice From:

Signed: 

Title: Director of Children’s Services

Date: 1 July 2021

A handwritten signature in black ink, appearing to be 'S. Smith', with a long horizontal stroke extending to the right.

Signed:

Title: Head of Strategic Planning and Governance

Date: 1 July 2021

Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable: