



**Jim Knight MP**

Minister of State for Schools and Learners

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0870 0012345 dcsf.ministers@dcsf.gsi.gov.uk

To: Headteachers and Chairs of Governors

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Dear Colleagues,

### **Compliance with the School Admissions Code**

Many of you will now be consulting, or preparing to consult, on admission arrangements for entry in September 2009 and this is, therefore, a good time to remind you all of the need to ensure that admission arrangements fully comply with the law and the School Admissions Code. Local authorities, schools and Admission Forums should scrutinise and, where necessary, challenge admission arrangements to ensure that they comply so that all children, whatever their background, have a fair chance of attending a school of their parents' choice.

The new Code came into force in February last year and has been widely welcomed. It has already had some impact in bringing about greater clarity, fairness and objectivity to many schools' admission arrangements. However, we are aware of cases where admission criteria and practices have breached legislation or the Code and have not been challenged locally.

Every admission authority, local authority, Admission Forum and school governing body has a statutory duty under section 84 of the School Standards and Framework Act 1998 to 'act in accordance' with the School Admissions Code. For most schools and local authorities there has been no difficulty in complying with this duty because their admissions policies and practices were already fair and equitable. However, a number of cases which have come to our attention suggest that the new requirements have not been fully understood or embraced by all. For example, we still see admission arrangements where children in care are not given highest priority as required by law; the use of supplementary information forms asking for personal details about parents such as copies of birth or marriage certificates; and the use of subjective tests and criteria, including asking parents to give their reasons for applying for a particular school and then making a subjective judgement about whether those reasons are better or worse than those given by other parents. There have even been cases where schools have asked about the order in which parents have ranked their choices of schools and where parents or children have been asked

to attend an interview. All of these practices and criteria are unlawful and do not comply with the School Admissions Code.

This year's consultation round also marks the first time that admission authorities for schools designated as having a religious character must consult their religious authorities on proposed admission arrangements for 2009/10. As well as being able to produce guidance to their schools on how to objectively assess membership and practice of their faith, religious authorities also have a new right to object to the Schools Adjudicator about these schools' determined arrangements if they consider them to be unfair or in breach of the Code or the law. In meetings with faith groups the Secretary of State has made it clear that he would expect them to exercise this right of objection.

If you are unsure whether admission criteria or practices are lawful you should check the School Admissions Code – this is available online at [www.dfes.gov.uk/sacode](http://www.dfes.gov.uk/sacode) - and if necessary seek legal advice on broader admissions law. In particular, paragraph 2.13 of the Code lists unfair oversubscription criteria which are prohibited.

To help you in future, the Department is also considering how the information and support available to local authorities, admission authorities and parents might be improved.

A handwritten signature in black ink, appearing to read 'Jim Knight', with a long horizontal flourish extending to the right.

**Jim Knight MP**