Protocol for the processing of in year admissions for children in care 2026/27

Surrey County Council

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Introduction

The law stipulates that children in care and those accommodated by the local authority must receive top priority for a school place within each school's admission arrangements. From September 2013 this requirement was extended to children who have left care through adoption, a special guardianship order or child arrangements order. However this Protocol only relates to the admission of children who are currently in care in accordance with Section 22 of the Children Act 1989(a).

In the case of an emergency placement, the local authority that looks after the child should secure a suitable new education placement within 20 school days (Promoting the education of looked after children - Statutory guidance for local authorities, Department for Education (DfE), Feb 2018). The commitment in Surrey is that each child in care will be admitted to the school appropriate for their needs without delay. However as a last resort, Section 97A to 97C of the School Standards and Framework Act 1998, as inserted by section 50 of the Education and Inspections Act 2006, gives local authorities the power to direct admission authorities for any maintained school to admit a child in their care to the school best suited to his or her needs.

For academies, a local authority can refer cases directly to the Secretary of State for a decision.

The purpose of this protocol is to set out the key processes that the Surrey Virtual School and the School Admissions team will follow, in order to ensure the consistent, transparent and timely admission of children in care for whom applications are being made outside the normal admission round for a school. These processes will take into account the needs and care planning of each child in line with DfE statutory guidance. 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 Surrey's coordinated admission scheme.

Surrey's Senior Directorate will be kept informed of the progress of the admission of children in care.

Processes for the in year admission of children in care

Children in the care of Surrey County Council

1. For each child in the care of Surrey County Council, a social worker with support and advice from the Virtual School will complete the school admission application form for children in care when a school place is needed in year. Please note that for children in care with an Education Health & Care Plan (EHCP), the Special Educational Needs & Disability (SEND) team is responsible for identifying an education setting, though the Virtual School works closely with them. For children in the care of Surrey and applying for Surrey schools, the application form will be returned to Surrey's School Admissions team. However for children in the care of Surrey applying for schools outside Surrey, the social worker must discuss the application with the relevant Assistant Headteacher or Deputy Headteacher of Surrey's Virtual School before any contact is made with schools or a local authority, to establish who will be responsible for considering applications to that school. Foster carers will be closely involved in this process but are not responsible for making the application where the local authority holds parental responsibility.

2. Some faith schools may require a supplementary information form to be completed where they give higher priority to children in care who are baptised in that faith than to children in care who are not. Boarding schools also require a supplementary information form to be completed in order to assess for boarding suitability. 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.
3. Surrey's School Admissions team will alert colleagues in the Virtual School to any application that is made for a child in care which has not been completed by them, before referring the application to a school.
4. Prior to completing the application form, the Education Support Officer from the Virtual School will support the social worker to investigate which schools are likely to be the most appropriate for the child, taking account of DfE statutory guidance available at: www.gov.uk/government/publications/promoting-the-education-of-looked-after-children. The social worker will make contact with each school to discuss the child's circumstances before naming the school as a preference. Where an application might be made for a boarding school, the social worker in partnership with the Virtual School should be encouraged to assess suitability for boarding before an application is made.
5. Once the application form has been received by Surrey's School Admissions team, it will be referred within 3 working days to the preference school for placement. The School Admissions team will alert the school to this referral by secure email, confirming that the application is for a child in care and setting out the timeframe for a response.
6. The school must tell the School Admissions team whether it is willing to admit the child within 7 school days of receiving the referral.
7. Outside the normal admissions round a maintained school is expected to admit a child in care if requested to do so. If the school has a vacancy, the child must be admitted as quickly as possible but within no more than 12 school days of receiving the initial referral from Surrey's School Admissions team in order to ensure that a placement is secured within a maximum of 15 school days.
8. If the school does not have a vacancy and the admission authority does not wish to admit the child above their Published Admission Number (PAN), it must indicate its reasons for not wishing to admit the child in their letter of response which must be sent within seven school days of receiving the referral.
9. Where a school refuses admission, the School Admissions team will review the case with the Virtual School and in doing so will take into account the reasons presented by the school; the current numbers on roll; the number of Fair Access placements, children in care and children with SEND that the school has in the appropriate year group; and the circumstances of the child, including where they live.
10. If the School Admissions team and the Virtual School believe that, on the basis of the school's case, a different school would be more appropriate the application will then be referred to another school.
11. However, if the School Admissions team and the Virtual School believe the preference school is still the most appropriate placement for the child, the School Admissions team will then progress a placement at that school.
12. In the case of maintained schools, the School Admissions team will first write to the admission authority for the school advising them of their intention to direct. The admission authority will have seven 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 School Admissions team.
13. The admission authority for the school must not refer the case to the Schools Adjudicator unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources.

14. If after seven days the child has not been admitted and the admission authority has not referred the case to the Schools Adjudicator, the School Admissions team will direct the admission authority for the school to admit the child.
15. In the case of an academy, the School Admissions team will first write to the governing board or academy trust for the school advising them that the case will be referred directly to the Secretary of State if the child is not admitted within seven school days. If after seven days the child has not been admitted or no decision is forthcoming from the governing body, the School Admissions team will refer the case to the Secretary of State for a decision.
16. Applications for children in care will be tracked by Surrey's School Admissions team until each child is placed on roll.
17. Where applications are received for children in care who are in year 11, the expectation is that these children will still be placed on roll at a school. Please note that this includes Unaccompanied Asylum Seeking Children who are also children in care. Whilst the admitting school may decide to arrange alternative provision for the child in care, Surrey will not fund an alternative placement either as part of an arrangement made by a school or as an alternative to placing a child in care on a school roll.
18. Details of schools that are asked to admit children in care, including details of those that are asked to admit above their PAN, will be logged so that the level of children in care admissions can be monitored.
19. Surrey's Senior Directorate will be kept informed of the progress of the admission of children in care.

Cross border applications

20. There may be applications received for children who are in the care of another local authority who either live in Surrey and need a place in a Surrey school or live in another local authority and wish to be considered for a Surrey school. Where schools receive a direct approach to admit such a child, they should refer the applicant to Surrey's application form for children in care, which should be returned to Surrey's School Admissions team.
21. These cases will be considered on a case by case basis but along the same principles of children in care to Surrey County Council. As well as liaising with the Surrey school, the School Admissions team will advise the Headteacher of Surrey's Virtual School of these cases and will liaise with the home local authority or in care authority as appropriate to ensure a speedy placement for these children. Where a school refuses admission, the reasons will be shared with the applicant and the Headteacher of the Virtual School for the in care local authority. Schools should be aware that children in care have the same priority to a school place, no matter which local authority they are in care to.
22. Surrey will not fund an alternative placement either as part of an arrangement made by a school or as an alternative to placing a child in care on a school roll.
23. To meet Surrey's responsibility for data sharing, the School Admissions team will do the following:

- If an application is received for a child in care to another local authority but resident in Surrey, the School Admissions team will refer the details to Surrey's Safeguarding team.
- If a child in care to another local authority is offered a place at a Surrey school, the School Admissions team will refer the details to Surrey's Pupil Tracking officer.

Home to School Transport

24. Applications for home to school transport are considered in accordance with Surrey's Home to School/College Travel Assistance Policy (Home to School Travel Assistance Policy for under 16 year olds - Surrey County Council (surreycc.gov.uk)) and Surrey's Post-16 Transport Policy Statement (Travel Assistance Policy for learners aged 16 to 25 - Surrey County Council (surreycc.gov.uk)).

How we use data

Surrey County Council is committed to ensuring that it manages data in accordance with the General Data Protection Regulation (GDPR). You can find out more about how we manage data on the privacy notice section of our website.