

## Response ID ANON-4MEC-2PS2-G

Submitted to **Changes to the School Admissions Code**

Submitted on 2020-10-12 11:15:33

### Introduction

### Further information

### About this consultation

### Responding

### Respondent details

#### What is your name?

**Name:**

Dr Sally Payne

#### What are your contact details?

**Email:**

sally.payne@rcot.co.uk

**Phone number:**

#### Are you responding as an individual or on behalf of an organisation?

Organisation

**If organisation, what organisation? :**

Royal College of Occupational Therapists

**What is your role?:**

Professional Adviser - Children, Young People and Families

#### Would you like us to keep your responses confidential?

No

**Reason for confidentiality:**

### Section 1: In-year admissions

#### Section 1: Proposal and rationale

#### Section 1: Questions

**1.1 Do you think the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date will be helpful for parents?**

Yes

**If you disagree or don't know, can you suggest alternative proposals or provide further feedback?:**

Royal College of Occupational Therapists (RCOT) agree that information about in-year admissions should be easily available for parents to access and support the proposal for this information to be published online annually by a certain date.

**1.2 Do you agree the requirement for admission authorities to provide information on the availability of school places is helpful?**

Yes

**If you disagree or don't know, can you suggest alternative proposals or provide further feedback?:**

RCOT agree that admission authorities should be required to provide the local authority with information on the availability of school places within two school days of the request being submitted. Measures to expediate the process of allocating school places in-year and minimise gaps in children's education are welcomed.

**1.3 Do you agree the timescales for admission authorities to provide information on the availability of school places are reasonable?**

Yes

If you disagree or don't know, please explain why.:

**1.4 Do you agree with the requirement for local authorities and admission authorities to publish information on in-year admissions online by a certain date?**

Yes

If you disagree or don't know, please explain why. :

**1.5 Do you agree the requirement to notify parents of the outcome of their in-year application in writing within 10 school days is useful?**

Yes

**1.6 Do you agree the timescale to notify parents of the outcome of their in-year application in writing within 10 school days to be reasonable?**

Yes

Please explain your answer:

**1.7 Please provide any further feedback or comments you wish to make on the outlined proposals around in-year admissions.**

**Any further feedback or comments:**

RCOT recommends that consideration is given to applications made during school holidays and the implications of this on timescales for decision making and communication. The introduction of reasonable timescales is however helpful to reduce the risk of extending the time that children are out of school.

## **Section 2: Fair Access Protocols**

### **Section 2: Proposal and rationale**

#### **Section 2: Questions**

**2.1 Do you agree with the proposals to prescribe how Fair Access Protocols are triggered?**

Agree

**If not, please explain why. Can you suggest alternative proposals or provide further feedback?:**

RCOT supports consistency in application of Fair Access Protocols to ensure that vulnerable children and those with SEND are not disadvantaged.

**2.2 Do you agree with the proposed changes to the list of children eligible for the Fair Access Protocol?**

Yes

**Please expand upon your answer below. Do you think there are any other categories we should consider adding? :**

RCOT have not identified any additional categories of children who should be eligible for the Fair Access Protocol. RCOT recommends that guidance providing examples of 'exceptional circumstances' in which a school place has not been sought would be helpful.

**2.3 For Fair Access Protocols to be effective, it is important that all admission authorities participate in the process properly. We have indicated what we mean by participation. Do you consider our definition of participation to be useful?**

Agree

**Please expand upon your answer below. Can you suggest an alternative definition?:**

RCOT agrees that admission authorities should be required to participate (take part) in the FAP process for it to be effective and that representatives should be people who have the authority to make decisions and take action (i.e. to admit pupils) on behalf of their organisation.

**2.4 Currently admission authorities are able to refuse admission on the basis of challenging behaviour. However, we are aware that the current provision in the Code relating to this can sometimes be misused. We have attempted to clarify how and when admission authorities may rely on this provision. Do you consider our clarification to be helpful?**

Disagree

**Please explain why. Can you suggest alternative proposals?:**

Occupational therapists recognise challenging behaviour (or behaviour that challenges) as a young person's way of communicating an unmet need when they are unable to express that need in other ways due to anxiety, learning difficulties or other factors. We are concerned that some individuals may be refused a school place because their needs are not recognised/understood and haven't been addressed in a previous setting. Refusing admission can place additional pressure on vulnerable families and increase the gap in schooling. RCOT recommends that if a child is to be referred to the FAP because they exhibit challenging behaviours then specialist advice should be sought from an occupational therapist (if a young person's behaviours may have a motor/sensory component) or a

speech/language therapist (if there may be a communication barrier) to inform the FAP process. It may be necessary to make arrangements for this advice to be fast-tracked to avoid further delays in accessing an appropriate school placement.

## **2.5 Do you agree with our proposed approach to the definition of challenging behaviour?**

Disagree

### **Please explain your answer. :**

We are uncomfortable with the definition of challenging behaviour as behaviour that is of “such an intensity, frequency or duration that it is beyond the normal range that schools can tolerate”. Schools may be unable to ‘tolerate’ behaviour because they don’t understand it and lack the tools/skills to support a young person’s participation and engagement. This is particularly the case for young people with special educational needs/disabilities (which may not be identified).

We are also concerned that the definition includes young people who are “unlikely to be responsive to the usual range of interventions to address pupil misbehaviour.” Occupational therapists encounter many children/young people with unrecognised special education needs/disabilities who have not had the opportunity to benefit from interventions/supports that might create a better fit between the pupil, their environment and the activities they want, need or are expected to participate in.

## **2.6 The purpose of Fair Access Protocols is to ensure children are placed in school as soon as possible. As such, we propose to require children referred to the Fair Access Protocol to be placed in school within 20 school days. Do you agree that this proposal and timescale is helpful?**

Yes

### **Please explain your answer. :**

## **2.7 Please provide any further comments you wish to make on the outlined proposals around Fair Access Protocols**

Further comments:

## **Section 3: Children who have been adopted from state care outside of England**

### **Section 3: Proposal and rationale**

#### **Section 3: Questions**

**3.1 Children who were previously in state care outside of England will, for the purposes of admission to school, be treated on an equal footing to those children looked after and previously looked after by a local authority in England. Do you envisage any problems with this change?**

No

**If so, can you suggest how we might overcome them?:**

**3.2 We understand that there are concerns about how an admission authority might determine whether a child was previously in state care outside of England, prior to their adoption. We intend to publish non-statutory guidance to help admission authorities implement the changes, including further advice on how to determine eligibility. What else would you like to see in this non-statutory guidance?**

**What would you like to see in non-statutory guidance?:**

## **Section 4: The admission of service children and children of crown servants**

### **Section 4: Proposal and rationale**

#### **Section 4: Questions**

**4.1 Please provide any comments you have on the proposal to enable admission authorities to use a private address or a Unit or quartering area address as the child’s home address to allocate a place in advance of a service family or family of a crown servant moving into the area.**

**Any comments on this proposal:**

**4.2 Do you have any concerns around admission authorities being required to accept evidence of proof of address which is available in advance of a service or crown servant family moving into the area?**

No

**If yes, please explain why.:**

RCOT members have previously identified difficulties when service children or children of crown servants have physical disabilities and require placement at an

accessible school. Greater flexibility on 'proof of address' may mean that a school placement can be identified in advance of the family moving, allowing longer for school accessibility arrangements to be made.

## **Section 5: Minor policy and technical drafting changes**

### **Section 5: Proposal and rationale**

### **Section 5: Questions**

**5.1 The purpose of the minor policy and technical drafting changes, as set out in Annex A, is mainly to improve clarity, with a few amendments to policy. Please provide any comments you have on the proposed minor policy and technical drafting changes.**

Comments on minor policy and technical drafting changes:

### **Section 6: Impact assessments**

### **Section 6: Questions**

**6.1 Do you agree that the proposed Code changes will not have a negative impact on any children with one or more protected characteristics?**

Not Answered

**If you disagree, please explain why.:**

**6.2 Do you believe the proposed Code will result in any new costs for local authorities?**

Not Answered

**If yes, please explain why and what estimation can be made of these additional costs?:**

**6.3 Do you believe the proposed Code will result in any savings for local authorities?**

Not Answered

**If yes, please explain why and what estimation can be made of these additional savings. :**

### **Further contact**

**Would you be happy for us to contact you for further information if required? If Yes, what is the best way to contact you?**

Yes

**Comment here:**

Email