

Appendix 2 Supplementary Admissions Guidance

The attached guidance does not affect agreed admissions arrangements in terms of the priority given to different groups of children. The purpose of providing this clarification is to establish more explicit and transparent guidance for parents. **Parental responsibility and private fostering**

Parental responsibility is defined by the Children Act 1989 and amended by the Adoption and Children Act 2002.

Parental responsibility in its simplest form is 'all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property'.

For children born prior to 1 January 2003, the child's natural mother acquired parental responsibility automatically at birth. The child's natural father only acquired parental responsibility if he was married to the mother at the time of birth or if they married subsequently. Other people can obtain parental responsibility by seeking a parental responsibility legal agreement, obtained with the consent of all persons with parental responsibility or by a court order, or when a child is placed with them for legal adoption.

There may be occasions where the person who submits the application for the child does not have 'parental responsibility'. Stepparents, grandparents and other close relatives do not have automatic parental responsibility, and can only acquire it through a legal agreement or court order. If you are a distant relative or not related at all to the child it is likely that you are a **private foster parent**. In law this means you must tell your local council you are caring for the child and also you must tell the child's parents (or the person with parental responsibility) about the application for a school place and obtain their permission. You can find more information on parental responsibility at <https://www.gov.uk/parental-rights-responsibilities>.

Shared custody

The person applying on behalf of the child should be the person with 'parental responsibility'.

If parents are going through a separation or a divorce and do not live together but share parental responsibility over a child, the local authority will disclose details of a child's application upon request from one of the parent who shares the parental responsibility.

It is expected that where there is shared parental responsibility for a child, that parents will agree which parent has the main responsibility before completing their application form.

Where parents are separated and share custody, the parent with whom the child spends most of the school week should make the application. If the parent making the application lives at a different address, a letter of explanation should be given and signed by both parents. The home address will normally be considered to be the address where Child Benefit is payable. An application can only be made from a single address and only one application can be made for each child. It is not acceptable for a family to use a temporary address, rented or otherwise, to secure a place of their preference.

In the case of shared custody it is the address where the child spends most of the time. In the case of formal equal shared custody it is the address of the parent who claims Child Benefit for the child.

Looked After, and Previously Looked After Children

Looked After

Definition:

Applications from children in, or formerly in public care (Looked After Children) must confirm which Local Authority is responsible for the child and be accompanied by a letter from the child's social worker confirming their legal status and that he/she will still be looked after when the child is admitted to the school. Reasons for preferences can be included in the supporting letter.

Previously Looked After Children

Definition:

Applications from children who were looked after, but ceased to be so because they were immediately adopted (or became subject to a residence order or a special guardianship order) must be accompanied by a letter and/or documentary evidence from the child's social worker, advisory teacher or other relevant professional. The Council affords priority school admissions to be given to all children adopted from care who are of compulsory school age, and not just those adopted from care under the 2002 Act.

Summer Born Children

Parents of gifted and talented children, or those who have experienced problems or missed part of a year, for example due to ill health, can seek places outside their normal age group. Decisions will be made on the basis of the circumstances of each case, informing parents of their statutory right to appeal. This right of appeal does not apply if they are offered a place in another year group at the school (This approach is in line with the London Inter Authority Admissions Group guidance on summer born children).