

Portfolio Holder (Child Safeguarding, Early Intervention and Schools) Decision Making

To be taken on or after 16 December 2011

Proposed School Admission Arrangements 2013/14

Recommendation

That the Portfolio Holder approves consultation on the proposed arrangements for School Admissions in 2013/14.

1.0 Key Issues

- 1.1 Local Authorities are required to consult annually on admission arrangements. In accordance with the School Admissions Code, consultation must take place for a minimum of eight weeks between 1 November and 1 March. Admission arrangements must then be determined (finalised) by 15 April.
- 1.2 A new draft School Admissions Code was published in November 2011 and a copy is attached as **Appendix A**. The aim of the new Code is to remove bureaucracy and to simplify the admissions process for parents. While the new Code is still subject to final approval, only minor changes are now expected. Some of the key changes included are as follows:
 - 1.2.1 Adopted children who were previously in care, to be given the same, highest priority as Looked after Children.
 - 1.2.2 National closing dates for primary and secondary school applications, and from 2014 a national offer date for primary school places.
 - 1.2.3 Allowing infant classes to exceed the limit of thirty children per teacher in limited circumstances. This includes situations where the final place in an infant class is allocated to twins, and where a school place is required for a child whose parents are employed in the armed forces.
 - 1.2.4 No requirement for Local Authorities to coordinate in-year admissions from 2013 onwards.
- 1.3 Until the new Admissions Code receives final approval, the old Admissions Code remains in effect. However, as only minor changes to the new Code are now expected, some of the key changes have been included in Warwickshire's proposed admission arrangements for 2013/14. These can be identified by underlined text or are otherwise clearly indicated.
- 1.4 The proposed admission arrangements are based around in-year admissions for 2013/14 remaining with the Local Authority. This will need to be reviewed

once the new Admissions Code is confirmed and the consultation exercise is complete.

- 1.5 The In-Year Fair Access Protocol has also been revised and is based around in-year admissions remaining with the Local Authority. Should a decision be taken that from 2013 onwards in-year admissions be handled by schools, then the In-Year Fair Access Protocol would need to be revised further.
- 1.6 Some of the dates contained in the proposed admission arrangements are subject to change and will only be confirmed once discussions have taken place with neighbouring authorities.
- 1.7 Other minor changes to the proposed admission arrangements may be necessary prior to the start of the consultation exercise. If these are significant then the Portfolio Holder will be notified.
- 1.8 A copy of the proposed admission arrangements have been sent to members of Warwickshire's School Admissions Forum.

2.0 Options and Proposal

- 2.1 The Local Authority's proposed admission arrangements for 2013/14 are attached as **Appendix B**.
- 2.2 Since last year's consultation a number of Warwickshire's Schools are now academies. The admission arrangements suggested only apply to schools under Warwickshire County Council's control. In an academy, the Academy Trust is the admission authority, and is therefore responsible for consulting on admission arrangements.
- 2.3 As well as those changes already highlighted, there are a number of other revisions. These include the following:
 - 2.3.1 Changes to how places will be allocated when students within the same criterion live an identical distance from the school.
 - 2.3.2 A number of other changes to the layout of the document and the definitions of certain terms used throughout.
- 2.4 It should also be noted that further changes are likely. These will be confirmed when the final version of the Code is published, and it is hoped, prior to approval of the arrangements by Cabinet.

3.0 Timescales associated with the decision/Next steps

- 3.1 If the Portfolio Holder is happy with the proposed admission arrangements then a consultation exercise would begin during w/c 19 December. This would then last for eight weeks and finish during w/c 06 February.
- 3.2 Warwickshire County Council's Cabinet would then be asked to approve the proposed admission arrangements at their meeting due to be held on 15

March 2012. The admission arrangements would then be determined and published on the Council's website.

Background Papers

1. Appendix A – Draft School Admissions Code
2. Appendix B – Proposed Admission Arrangements 2013/14

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DRAFT DOCUMENT: COMMENCEMENT SUBJECT TO PARLIAMENTARY
SCRUTINY AND ROYAL ASSENT OF THE EDUCATION BILL 2010-11

Draft School Admissions Code

**NB Between the publication of the revised draft School Admissions Code on
2 November 2011 and the laying of the School Admissions Code before Parliament
later in the year there may be minor changes to the text.**

Department for
Education

The School Admissions Code

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The Statutory Basis for the School Admissions Code

1. The School Admissions Code ('the Code') has been issued under section 84 of the School Standards and Framework Act 1998 ('SSFA 1998')¹. The Code has been made following a consultation under section 85(2) of the SSFA 1998 and after being laid before Parliament for forty days.
2. This Code comes into force on **[date]** and, unless otherwise stated, applies with immediate effect. It will apply to admission arrangements determined in 2012 for admission in school year 2013/14. The Code applies to admissions to all maintained schools in England. It should be read alongside the School Admission Appeals Code and other guidance and law that affect admissions and admission appeals in England².
3. This Code imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions by the bodies listed below:
 - a) **Admission authorities of maintained schools** as defined in section 88(1) (a) and (b) of the SSFA 1998³
 - b) **Governing bodies and local authorities (when not admission authorities)**
 - c) **Schools Adjudicators**
 - d) **Admission Appeal Panels.**

These bodies have a statutory duty to act in accordance with the relevant provisions of the Code.

Application of the Code to Academies

4. Academies, by which we mean Academy Schools⁴, Free Schools, University Technical Colleges and Studio Schools, are state-funded, non fee-paying independent schools set up under a Funding Agreement between the Secretary of State and the proprietor of an Academy (most commonly, and hereafter, referred to as an Academy Trust). Academy Funding Agreements require them to comply with the Code and the law relating to admissions, though the Secretary of State has the power to vary this requirement where there is demonstrable need.

¹ Where statutory provisions have been amended, any references to them are references to them as amended.

² Throughout this draft version of the Code, references to regulations are to draft admissions regulations which will come into force at the same time as the Code. These references will be updated in the final version of the Code.

³ For community and voluntary controlled schools the admission authority is usually the local authority, but it may be the governing body if the local authority with the governing body's agreement has delegated responsibility to it for determining admission arrangements. Governing bodies are the admission authorities for foundation schools (including Trust schools) and voluntary aided schools.

⁴ Subject to the Education Bill receiving Royal Assent, Clause 53 introduces three types of Academies: Academy Schools, 16-19 Academies, and Alternative Provision Academies.

Compliance with the Code

5. It is the responsibility of admission authorities to ensure that admission arrangements⁵ are compliant with this Code. Where a school is the admission authority, this responsibility falls to the governing body or Academy Trust.
6. Section 88P of the SSFA 1998 requires local authorities to make reports to the adjudicator about such matters connected with relevant school admissions as required by the Code⁶. Minimum requirements for that report are set out at paragraph 3.23 of this Code and include an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, how admission arrangements affect the interests of looked after children and the number and percentage of lodged and upheld parental appeals⁷. The report must be published locally. The Schools Adjudicator will report annually to the Secretary of State on Fair Access.
7. Objections to the admission arrangements of both maintained schools and Academies⁸ can be made to the Schools Adjudicator whose decisions are binding and enforceable.
8. The Secretary of State may refer the admission arrangements of any school to the Schools Adjudicator at any time if the Secretary of State considers that they do not or may not comply with the mandatory requirements of this Code or the law.
9. The Schools Adjudicator may investigate the admission arrangements of any school that the Adjudicator considers do not or may not comply with the mandatory requirements of this Code or the law.
10. Any decision of the Adjudicator will be binding on the admission authority. It will be for the admission authority to implement those decisions without undue delay⁹. Where schools fail to implement decisions of the Adjudicator the Secretary of State may direct the admission authority (either the governing body, the local authority, or Academy Trust) to do so under section 496 or 497 of the Education Act 1996 or the Funding Agreement.
11. The table which follows sets out the appropriate admission authority for each type of school in England.

⁵ Admission arrangements means the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered.

⁶ Subject to Education Bill receiving Royal Assent: clause 34 removes the need for regulations to set out the information local authority reports are required to contain.

⁷ Subject to the Education Bill receiving Royal Assent: clause 34 provides that the requirements for the report by local authorities will be set out in the Code.

⁸ Subject to the Education Bill receiving Royal Assent: clause 64. Currently objections in relation to Academies are dealt with by the Young People's Learning Agency on behalf of the Secretary of State.

⁹ Subject to the Education Bill receiving Royal Assent: clause 34 removes the power of the Adjudicator to modify admission arrangements of a school.

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Type of School	Who is the admission authority?	Who deals with complaints about arrangements?	Who is responsible for arranging/providing for an appeal against refusal of a place at a school?
Academies	Academy Trust	Schools Adjudicator ¹⁰	Academy Trust
Community Schools	Local Authority	Schools Adjudicator	Local Authority
Foundation Schools	Governing body	Schools Adjudicator	Governing body
Voluntary aided schools	Governing body	Schools Adjudicator	Governing body
Voluntary controlled schools	Local Authority	Schools Adjudicator	Local Authority

¹⁰ Subject to the Education Bill receiving Royal Assent: clause 64.

Introduction

Purpose of this Code

12. The purpose of the Code is to ensure that all school places for maintained schools (excluding maintained special schools¹¹) and Academies are allocated and offered in an open and fair way. The Code has the force of law, and where the words '**must**' or '**must not**' are used, these represent a mandatory requirement.

13. Admission authorities and local authorities **must** also comply with the regulations and legislation set out in the Appendix to this Code.

Overall principles behind setting arrangements

14. In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

How admissions work

15. In summary, the process operates as follows:

- a) All schools **must** have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by admission authorities.
- b) Admission authorities **must** set ('determine') admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on those arrangements¹². If no changes are made to admission arrangements, they **must** be consulted on at least every 7 years. Consultation **must** be for 8 weeks and must take place between **1 November** and **1 March** of the year before those arrangements are to apply. For example: for arrangements which are to apply to applications in 2012 (entry in September 2013), consultation **must** be completed by 1 March 2012. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.
- c) Once all arrangements have been determined, arrangements can be objected to and referred to the Schools Adjudicator by **30 June**. Any decision of the Adjudicator **must** be acted on by the admission

¹¹ A maintained special school is a school maintained by the local authority, specially designed to make special educational provision for pupils with special educational needs.

¹² Except where the change is an increase to a school's published admission number (see 1.3)

authority and admission arrangements amended accordingly. The local authority will collate and publish all the admission arrangements in the area in a single composite prospectus.

- d) In the normal admissions round,¹³ parents apply to the local authority in which they live for places at their preferred schools. Parents are able to express a preference for at least three schools. The application can include schools outside the local authority where the child lives: a parent can apply for a place for their child at any state-funded school in any area. If a school is undersubscribed, any parent that applies **must** be offered a place. When oversubscribed, a school's admission authority **must** rank applications in order against its published oversubscription criteria and send that list back to the local authority.
- e) All preferences are collated and parents then receive an offer from the local authority at the highest preference school at which a place is available. For secondary schools, the offer is made on or about **1 March** (known as National Offer Day) in the year in which the child will be admitted. For primary schools, the offer is made on or about **16 April**, in the year in which the child will be admitted.
- f) Parents, and in some circumstances children, have the right to appeal against an admission authority's decision to refuse admission. The admission authority **must** set out the reasons for the decision, that there is a right of appeal and the process for hearing such appeals. The admission authority **must** establish an independent appeals panel to hear the appeal. The panel will decide whether to uphold or dismiss the appeal. Where a panel upholds the appeal the school is required to admit the child.

¹³ (i.e. application in October (secondary school) for following year and January (primary school) for same year admission).

Section 1: Determining Admission Arrangements:

1.1 Admission authorities are responsible for admissions and **must** act in accordance with this Code, the School Admission Appeals Code, other laws relating to admissions¹⁴, and relevant human rights and equalities legislation.

1.2 **Published Admission Number (PAN)** - As part of determining their admission arrangements¹⁵, all admission authorities **must** set an admission number for each 'relevant age group'¹⁶.

1.3 Own admission authorities are not required to consult on any proposed increase to the PAN in any consultation on their admission arrangements¹⁷. For community and voluntary-controlled schools, the local authority (as admission authority) **must** consult at least the governing bodies of these schools where it proposes either an increase or no change to the PAN¹⁸. Community and voluntary-controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection.

1.4 Admission authorities **must** notify their local authority of their intention to increase the school's PAN and reference to the change should be made on the school's website¹⁹. Following determination of the PAN, admission authorities may notify the local authority that they intend to admit above their PAN, but **must** do so in good time to allow the local authority to deliver its co-ordination responsibilities effectively. Admission authorities may also admit above their PAN in-year.

1.5 Any admissions above the PAN as set out in 1.4 will not constitute an increase to the PAN²⁰. Information on variations to the PAN in-year is set out in paragraph 3.6 of this Code.

1.6 **Oversubscription criteria** - The admission authority for the school **must** set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied. All children whose statement of

¹⁴ The main provisions relating to admissions are in Chapter 1 of Part 3 of the SSFA 1998.

¹⁵ See sections 88C and 88D of the SSFA 1998.

¹⁶ This is the age group at which pupils are or will normally be admitted to the school e.g. reception or year 7 (section 142 SSFA 1998).

¹⁷ Draft Admissions Regulations 2012.

¹⁸ All admission authorities must consult in accordance with 1.42 where they propose a decrease to the PAN.

¹⁹ Where a school does not have website it will have to take suitable alternative action. This applies to all further requirements of this Code to publish information on websites.

²⁰ Where an enlargement of school premises is proposed the governing body of a maintained school must observe the requirements of any relevant regulations, currently the School Organisation (Prescribed Alteration Regulations to Maintained Schools)(England) Regulations 2007 (SI 2007/1289). For Academies, such changes are agreed with the Secretary of State through the Funding Agreement.

special education needs (SEN)²¹ names the school **must** be admitted. If the school is not oversubscribed, all applicants **must** be offered a place (with the exception of designated grammar schools - see paragraph 2.8).

1.7 All schools **must** have oversubscription criteria for each 'relevant age group', and the highest priority **must** be given to looked after children²² and children who were looked after, but ceased to be so because they were adopted²³ (or became subject to a residence order²⁴ or special guardianship order²⁵). Further references to previously looked after children in this Code means children who were adopted (or subject to residence orders or special guardianship orders) immediately following having been looked after. Oversubscription criteria **must** then be applied to all other applicants in the order set out in the arrangements.

1.8 Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

1.9 It is for admission authorities to formulate their admission arrangements, but they **must not**:

- a) place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements;
- b) take into account any previous schools attended, unless it is a named feeder school;
- c) give extra priority to children whose parents rank preferred schools in a particular order, including 'first preference first' arrangements;
- d) introduce any new selection by ability²⁶;

²¹ A Statement of Special Educational Need is a statement made by the local authority under section 324 of the Education Act 1996 specifying the special educational provision required for that child.

²² A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in section 22(1) of the Children Act 1989).

²³ Under the terms of the Adoption and Children Act 2002. See section 46 (adoption orders).

²⁴ Under the terms of the Children Act 1989. See section 8 which defines a 'residence order' as an order settling the arrangements to be made as to the person with whom the child is to live.

²⁵ See section 14A of the Children Act 1989 which defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

²⁶ There is a general restriction on selection by ability. Only designated grammar schools or schools with partially selective arrangements which already had such arrangements in place during

- e) give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority;
- f) give priority to children according to the occupational, marital, financial or educational status of parents applying²⁷ (though children of staff at the school may be prioritised in arrangements);
- g) take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement, or that of any other children in the family;
- h) discriminate against or disadvantage disabled children or those with special educational needs;
- i) prioritise children on the basis of their own or parents' past or current hobbies or activities (designated faith schools may take account of religious activities, as laid out by the body or person representing the religion or religious denomination²⁸);
- j) in designated grammar schools that rank all children according to a pre-determined pass mark and then allocate places to those who score highest, give priority to siblings of current or former pupils;
- k) in the case of schools with boarding places, rank children on the basis of a child's suitability for boarding – more information on boarding schools is set out at paragraphs 1.40 - 1.41;
- l) name fee-paying independent schools as feeder schools;
- m) interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place. Boarding schools may interview children to assess their suitability for boarding;
- n) request financial contributions (either in the form of voluntary contributions, donations or deposits (even if refundable)) as any part of the admissions process – including for tests; or
- o) request photographs of a child for any part of the admissions process, other than as proof of identity when sitting a selection test.

1.10 This Code does not give a definitive list of acceptable oversubscription criteria. It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances, but the most common include:

Siblings at the school

the 1997/98 school year are permitted to continue to use selection by ability. Grammar schools are designated as such by order made by the Secretary of State under section 104 of the SSFA 1998.

²⁷ Free Schools and Academies may, where their Funding Agreements permit, give priority in admission arrangements to children eligible for Free School Meals (in future, the Pupil Premium).

²⁸ Draft Admissions Regulations 2012

1.11 Admission authorities **must** state clearly in their arrangements what they mean by 'sibling' (e.g. whether this includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who are former pupils of the school). If an admission authority wishes to give some priority to siblings of former pupils, it **must** set out a clear and simple definition of such former pupils and how their siblings will be treated in the oversubscription criteria (bearing in mind the restrictions set out in paragraph 1.9).

1.12 Some schools give priority to siblings of pupils attending another state funded school with which they have close links (for example, schools on the same site, or close links between two single sex schools). Where this is the case, this priority **must** be set out clearly in the arrangements.

Distance from the school

1.13 Admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the 'home' address will be determined and the point in the school from which all distances are measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.

Catchment Areas

1.14 Catchment areas **must** be designed so that they are reasonable and clearly defined²⁹. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.

Feeder Schools

1.15 Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as part of oversubscription criteria **must** be transparent and made on reasonable grounds.

Social and medical need

1.16 If admission authorities decide to use social and medical need as oversubscription criteria, they **must** set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided.

Selection by ability or aptitude

1.17 All selective schools **must** publish the entry requirements for a selective place and the process for such selection.

Grammar schools

²⁹ R v Greenwich London Borough Council, ex parte John Ball Primary School (1989) 88 LGR 589 [1990] Fam Law 469 held that pupils should not be discriminated against in relation to admission to the school simply because they reside outside the local authority area in which the school is situated. Section 86(8) of the SSFA 1998 places an equal duty on local authorities to comply with parental preference in respect of parents living within and outside their boundary.

1.18 Only designated Grammar schools³⁰ are permitted to select their entire intake on the basis of high academic ability³¹. They do not have to fill all of their places if applicants have not reached the required standard.

1.19 Where arrangements for pupils are wholly based on selection by reference to ability and provide for only those pupils who score highest in any selection test to be admitted, no priority needs to be given to looked after children or previously looked after children.

1.20 Where admission arrangements are not based on highest scores in a selection test, the admission authority **must** give priority in its over subscription criteria to all looked after children and previously looked after children who meet the pre-set standards of the ability test.

Pre-existing, partially selective schools

1.21 Partially selective schools select a proportion of their intake by ability. Where schools can partially select, they **must** publish the entry requirements for a selective place, and the process for such selection. They **must** offer places to other children if there are insufficient applicants who have satisfied the published entry requirements for a selective place.

1.22 Partially selective schools **must not** exceed the lowest proportion of selection that has been used since the 1997/98 school year³².

1.23 Where arrangements provide for only those pupils who score highest in any selection test to be admitted, no priority needs to be given to looked after children or previously looked after children. Where such arrangements are not based on highest scores in a selection test, the admission authority must give priority in its over subscription criteria to all looked after children and previously looked after children who meet the pre-set standards of the test. For the allocation of the remainder of places after selection, looked after children and previously looked after children must again be given first priority for admission.

Selection by aptitude

1.24 Schools that have arrangements to select by aptitude **must not** allow for more than 10 per cent of the total admissions intake to be allocated on the basis of such aptitude (even if the school has more than one specialism). The specialist subjects on which a school may select by aptitude are:

- a) physical education or sport, or one or more sports;
- b) the performing arts, or any one or more of those arts;

³⁰ As designated by the Education (Grammar School Designation) Order 1998 (SI 1998/2219). Where a designated grammar school converts to become an Academy, the Academy is permitted to continue selecting their entire intake: section 6(3) of the Academies Act 2010.

³¹ Section 104 of the SSFA 1998.

³² Section 100 of the SSFA 1998.

- c) the visual arts, or any one or more of those arts;
- d) modern foreign languages, or any such language; and
- e) design and technology and information technology. Only schools which selected on either of these specialist subjects in school year 2007/08 school year and every subsequent year may continue to do so.

Banding

1.25 Pupil ability banding is a permitted form of selection³³ used by some admission authorities to ensure that the intake for a school includes a proportionate spread of children of different abilities. Banding can be used to produce an intake that is representative of:

- a) the full range of ability of applicants for the school(s);
- b) the range of ability of children in the local area; or
- c) the national ability range.

1.26 Admission authorities' entry requirements for banding **must** be fair, clear and objective. Banding arrangements which favour high ability children that have been continuously used since the 1997/98 school year may continue, but **must not** be introduced by any other school.

1.27 The admission authority **must** publish the admission requirements and the process for such banding and decisions, including details of any tests that will be used to band children according to ability.

1.28 Where the school is oversubscribed:

- a) looked after children and previously looked after children **must** be given top priority in each band, and then any oversubscription criteria applied within each band, and
- b) priority **must not** be given within bands according to the applicant's performance in the test.

1.29 Schools that operate admission arrangements which include both banding and selection of up to 10% of pupils with reference to aptitude shall set out clearly in their admission arrangements how those two methods of selection will be applied.

1.30 Children with statements of SEN may be included in banding tests and allocated places in the appropriate bands but, regardless of any banding arrangements, they **must** be allocated a place if their statement names the school.

³³ Section 101 of the SSFA 1998.

Tests for selection

1.31 Tests for all forms of selection **must** be clear, objective, and give an accurate reflection of the child's ability or aptitude, irrespective of sex, race, or disability. It is for the admission authority to decide the content of the test, providing that the test is a true test of aptitude or ability.

1.32 Admission authorities **must**:

- a) ensure that tests for aptitude in a particular subject are designed to test only for aptitude in the subject concerned, and not for ability;
- b) ensure that tests are accessible to children with special educational needs and disabilities, having regard to the reasonable adjustments for disabled pupils required under equalities legislation, and
- c) inform parents of the outcome of selection tests before parents make applications for other schools – while making clear that this does not equate to a guarantee of a selective place.

1.33 Admission authorities **must not** adjust the score achieved by any child in a test to take account of oversubscription criteria, such as having a sibling at the school.

Random allocation

1.34 Local authorities **must not** use random allocation as the principal oversubscription criterion for allocating places at all the schools in the area for which they are the admission authority. Admission authorities that decide to use random allocation when schools are oversubscribed **must** set out clearly how this will operate, ensuring that arrangements are transparent, and that looked after children and previously looked after children are prioritised.

1.35 The random allocation process **must** be supervised by someone independent of the school, and a fresh round of random allocation **must** be used each time a child is to be offered a place from a waiting list.

Faith based oversubscription criteria in schools with a religious character

1.36 As with other maintained schools, faith schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria³⁴ and allocate places by reference to faith where the school is oversubscribed.

1.37 Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied. Admission authorities for faith schools may give priority to all looked after children and previously

³⁴ Funding Agreements for entirely new Academies (i.e. not convertors from the maintained or independent sectors, or those sponsored Academies with a predecessor school) and Free Schools with a religious character provide that where the school is oversubscribed at least 50% of places are to be allocated without reference to faith.

looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children of the faith. Where any element of priority is given in relation to children not of the faith they **must** give priority to looked after children and previously looked after children not of the faith above other children not of the faith.

1.38 Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing³⁵ the religion or religious denomination when constructing faith-based oversubscription criteria, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code. They **must** also consult with the body or person representing³⁶ the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated. Church of England schools **must**, as required by the Diocesan Boards of Education Measure 1991³⁷, consult with their diocese about proposed admission arrangements before any public consultation.

Children of staff at the school

1.39 Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:

- a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or
- b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.

Maintained boarding schools

1.40 Maintained boarding schools can set separate admission numbers for day places and boarding places. A maintained boarding school can interview applicants to assess suitability for boarding but such interviews **must** only consider whether a child presents a serious health and safety hazard to other boarders or whether they would be able to cope with and benefit from a boarding environment. To help with this assessment, they may also use a supplementary information form, and information provided by the previous school and by the child's home local authority (on safeguarding issues). These processes, and the timeline for them, **must** be clearly set out in the school's admission arrangements.

1.41 Boarding schools **must** give priority in their oversubscription criteria in the following order:

- a) looked after children and previously looked after children;
- b) children of members of the UK Armed Forces who qualify for Ministry of Defence financial assistance with the cost of boarding school fees;

³⁵ Draft Admissions Regulations 2012

³⁶ Draft Admissions Regulations 2012

³⁷ 1991 No 2.

c) children with a 'boarding need', making it clear what they mean by this.

1.42 **Consultation** - When changes are proposed to admission arrangements, all admission authorities **must** consult by **1 March** on admission arrangements³⁸ (including any supplementary information form) that will apply for admission applications the following academic year, except any exempt arrangements³⁹. There is no requirement on own admission authorities to consult on a proposed increase to their PAN. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities **must** consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period⁴⁰.

1.43 Consultation **must** last for a minimum of 8 weeks and must take place between **1 November** and **1 March** in the determination year.

1.44 Admission authorities **must** consult with⁴¹:

- a) parents of children between the ages of two and eighteen;
- b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
- c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
- d) whichever of the governing body and the local authority who are not the admission authority;
- e) any adjoining neighbouring local authorities where the admission authority is the local authority; and
- f) in the case of faith schools⁴², the body or person representing the religion or religious denomination.

1.45 For the purposes of consultation, the admission authority **must** publish a copy of their proposed admission arrangements on their website together with details of the person within the admission authority to whom comments may be sent. Admission authorities **must** also send upon request a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively may be grounds for subsequent complaints and appeals.

1.46 **Determination** - All admission authorities **must** determine admission arrangements by **15 April** every year, even if they have not

³⁸ Grammar school arrangements which relate to the retention of permitted selection or removal of selection following a ballot or decision by the governing body (s108 and 109 of the SSFA 1998) are exempt from consultation.

³⁹ Draft Admissions Regulations 2012. These will exempt from consultation selective arrangements for grammar schools or abandonment of such arrangements in accordance with section 103 of the SSFA.

⁴⁰ Draft Admissions Regulations 2012.

⁴¹ As above.

⁴² As above.

changed from previous years and a consultation has not been required.

1.47 Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies⁴³ and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year (the academic year in which offers for places are made). They **must** send a copy of their full, determined arrangements to the local authority as soon as possible before **1 May**. Admission authorities for faith schools must also send a copy of their arrangements to the body or person representing their religion or religious denomination.

1.48 Where an admission authority has determined a published admission number (PAN) that is higher than in previous years, they **must** notify the local authority that they have done so, and make specific reference to the change on their website.

1.49 Local authorities **must**, by **1 May**, publish on their website details of where the determined arrangements for all schools can be viewed, and information on how to refer objections to the Schools Adjudicator.

1.50 Following determination of arrangements, any objections⁴⁴ to those arrangements **must** be made to the Schools Adjudicator by **30 June**⁴⁵. Admission authorities that are not the local authority **must** provide all the information that the local authority needs to compile the composite prospectus no later than **8 August**, unless agreed otherwise.

1.51 **Composite prospectuses** - Local authorities **must** publish online - with hard copies available for those who do not have access to the internet - a composite prospectus for parents by **12 September**⁴⁶ in the offer year, which contains the admissions arrangements and any supplementary information forms for each of the state-funded schools in the local authority area to which parents can apply (i.e. all schools including Academies). They **must** ensure that this information is kept up to date throughout the period in which it is possible for parents to apply for a place for their child, and that it is written in a way that makes it clear and accessible to parents.

⁴³ In addition to the bodies listed at 1.44 (c),(d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area.

⁴⁴ To see also paragraphs 3.2-3.5 of this Code.

⁴⁵ Draft Admission Regulations 2012

⁴⁶ See regulations 5 and 6 and Schedule 2 of the School Information Regulations 2008 SI 2008/3093

Section 2: Applications and Offers

2.1 **Applying for places** - For applications in the normal admission round, local authorities **must** provide a common application form (CAF) that enables parents to express their preference for a place at any state funded school, with a minimum of 3 preferences in rank order, allowing them to give reasons for their preferences. While parents may express a preference for any state funded school – regardless of whether it is in the local authority area in which they live - admission authorities **must not** give any guarantees that a preference will be met.

2.2 The CAF **must** allow parents to provide their name, their address (including documentary evidence in support), and the name, address and date of birth of the child. The child **must not** be required to complete any part of the form. Local authorities **must** provide advice and assistance to parents when they are deciding which schools to apply for⁴⁷.

2.3 Regardless of which schools they express preferences for, the form is returned to the local authority in the area that they live (the 'home' authority). The home authority **must** then pass information on applications to other local ('maintaining') authorities about applications to schools in their area. The maintaining authority **must** determine the application and inform the home local authority if a place is available. The offer to parents **must** be made by the home local authority.

2.4 In some cases, admission authorities will need to ask for supplementary information forms in order to process applications. If they do so, they **must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability. They **must not** use supplementary forms that ask for any of the information prohibited by paragraph 1.9 or for:

- a) any personal details about parents and families, such as maiden names, criminal convictions, marital, or financial status (including marriage certificates);
- b) the first language of parents or the child;
- c) details about parents' or a child's disabilities, special educational needs or medical conditions;
- d) parents to agree to support the ethos of the school in a practical way;
- e) both parents to sign the form, or for the child to complete the form.

2.5 Admission authorities may need to ask for proof of address where it is unclear whether a child meets the published oversubscription criteria. In these cases they **must not** ask for any evidence that would include any of the

⁴⁷ In accordance with section 86 (1A) of the SSFA 1998.

information detailed above. Once a place has been offered, admission authorities may ask for proof of birth date, but **must not** ask for a 'long' birth certificate or other documents which would include information about the child's parents. In the case of previously looked after children, admission authorities may request a copy of the adoption order, residence order or special guardianship order and a letter from the local authority that last looked after the child confirming that he or she was looked after immediately prior to that order being made.

2.6 Applying for places at Sixth Form - Children and their parents applying for sixth form places may use the CAF, although if they are already on the roll they are not required to do so in order to transfer into year 12. Admission authorities can, however, set academic entry criteria for their sixth forms, which **must** be the same for both external and internal places. As with other points of entry to schools, highest priority in oversubscription criteria for sixth form places **must** be given to looked after children and previously looked after children who meet the academic entry criteria. As stated in paragraph 1.9(m), any meetings held to discuss options and courses **must not** form part of the decision process on whether to offer a place.

2.7 Offering places - Admission authorities **must** allocate places on the basis of their determined admission arrangements only, and a decision to offer or refuse admission **must not** be made by one individual in an admission authority. Where the school is its own admission authority the whole governing body, or an admissions committee established by the governing body, **must** make such decisions.

2.8 With the exception of designated grammar schools, all maintained schools, including faith schools, that have enough places available **must** offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria.

2.9 Admission authorities **must not** refuse to admit a child solely because:

- a) they have applied later than other applicants;
- b) they are not of the faith of the school in the case of a faith school;
- c) they followed a different curriculum at their previous school;
- d) information has not been received from their previous school; or
- e) they have missed entrance tests for selective places.

2.10 In the normal admissions round, offers of primary and secondary places **must** be sent by the home local authority and schools **must not** contact parents about the outcome of their applications until after these offers have been received (although they can notify parents of the result of selection tests or boarding suitability tests in advance of offers being made or even formal applications being submitted). Admission authorities **must not** provide any guarantees to applicants of the outcome of their application prior to the

formal notification of any offers of a place in a suitable school by the home local authority.

2.11 Where a place is available for a child at more than one school, the home local authority **must** ensure, so far as is reasonably practicable, that the child is offered a place at whichever of these schools is their highest preference. If the local authority is unable to offer a place at one of the parents' preferred schools it **must**, if there are places available, offer a place at another school.

2.12 **Withdrawing an offer or a place** – An admission authority **must not** withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. Where the parent has not responded to the offer, the admission authority **must** give the parent a further opportunity to respond and explain that the offer may be withdrawn if they do not. Where an offer is withdrawn on the basis of misleading information, the application **must** be considered afresh, and a right of appeal offered if an offer is refused.

2.13 A school **must not** withdraw a place once a child has started at the school, except where that place was fraudulently obtained. In deciding whether to withdraw the place, the length of time that the child had been at the school **must** be taken into account. For example, it might be considered appropriate to withdraw the place if the child has been at the school for less than one term.

2.14 **Waiting lists** – Each admission authority **must** maintain a clear, fair and objective waiting list for at least the first term of the academic year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received or their name was added to the list. Looked after children and previously looked after children, and those allocated a place at the school in accordance with a Fair Access Protocol, **must** take precedence over those on a waiting list.

2.15 **Infant class size** – Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher. Additional children may be admitted under very limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) children with statements of special educational needs admitted outside the normal admission round;
- b) looked after children and previously looked after children admitted outside the normal admission round;

- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admission round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admission round;
- g) twins and children from multiple births when one of the siblings is the 30th child admitted;
- h) children with SEN who are normally taught in an SEN unit⁴⁸ attached to the school, or registered at a special school, who attend some infant classes within the mainstream school⁴⁹.

2.16 Admission of children below compulsory school age and deferred entry to school - Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that:

a) parents can request that the date their child is admitted to school is deferred until later in the year or until the term in which the child reaches compulsory school age, and

b) parents can request that their child takes up the place part-time until the child reaches compulsory school age.

2.17 Admission of children outside their normal age group - 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. Admission authorities **must** make decisions on the basis of the circumstances of each case, informing parents of their statutory right to appeal. This right does not apply if they are offered a place in another year group at the school.

2.18 Children of UK service personnel (UK Armed Forces) - For families of service personnel with a confirmed posting to their area, admission authorities **must**:

- a) allocate a place in advance, if accompanied by an official government letter which declares a relocation date and a Unit postal address or quartering area address for considering the application against their oversubscription criteria. This **must** include accepting a Unit postal address or quartering area address for a service child. Admission authorities **must not** refuse a service child a place because the family

⁴⁸ An SEN unit forms part of a maintained school and is specially organised to provide education for pupils with SEN.

⁴⁹ Draft Infant Class Size Regulations 2012. Previously looked after children are not excepted pupils for the purpose of these regulations until school year 2013/14.

does not currently live in the area, or reserve blocks of places for these children;

- b) ensure that arrangements in their area support the Government's commitment to removing disadvantage for service children. Arrangements **must** be appropriate for the area and be described in the local authority's composite prospectus.

2.19 **Children from overseas** - Admission authorities **must** treat applications for children coming from overseas in accordance with European Union law or Home Office rules for non-European Economic Area nationals. Non-statutory guidance on this is available on the website of the Department for Education.

2.20 **Co-ordination** - Each year all local authorities **must** formulate and publish on their website a scheme by **1 January**⁵⁰ to co-ordinate admission arrangements for all publicly funded schools within their area. All admission authorities⁵¹ **must** participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme. Local authorities **must** make application forms available to parents who wish to apply to a school in a neighbouring area which operates a different age of transfer (e.g. middle schools), and process these as it would in its normal admissions round.

2.21 There is no requirement for local authorities to co-ordinate in-year applications for the offer year 2013/14 and all subsequent years but they **must** provide in the composite prospectus how in-year applications can be made and will be dealt with. Local authorities **must**, on request, provide information to a parent about the places still available in all schools within its area, and a suitable form for parents to complete when applying for a place for their child at any school for which they are not the admission authority. Any parent can apply for a place for their child at any time to any school.

2.22 Own admission authority schools **must**, on receipt of an in-year application, notify the local authority of both the application, and its outcome, to allow the local authority to keep up to date figures on the availability of places in the area. The admission authority **must** also inform parents of their right to appeal against the refusal of a place.

2.23 **Offering a place** - Where schools are oversubscribed, admission authorities **must** rank applications in accordance with their determined arrangements. The qualifying scheme **must** ensure that:

- a) only one offer is made per child by the local authority;

⁵⁰ Draft Admissions Regulations 2012.

⁵¹ Academies are required under their Funding Agreements to participate in and comply with requirements in relation to local authority co-ordination of admission arrangements. For the first year of opening only, Funding Agreements for Free Schools, University Technical Colleges (UTCs) and Studio Schools will provide that they may choose whether they wish to participate in the local qualifying scheme.

- b) for secondary school applications, all offers **must** be made on the same secondary National Offer Day i.e. **1 March or the next working day**, and.
- c) for primary school applications, all offers **must** be made on the same primary National Offer Day - i.e. **16 April or the next working day**. The primary National Offer Day will apply to schemes for entry 2014/15 and all subsequent years.

2.24 **Right to appeal** - When an admission authority informs a parent of a decision to refuse their child a place at a school for which they have applied, it **must** include the reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal. Parents **must** be informed that, if they wish to appeal, they must set out their grounds for appeal in writing. Admission authorities **must not** limit the grounds on which appeals can be made.

2.25 **School closure** - Where a maintained school or Academy is to be closed, the local authority **must** collaborate with all schools in their area to consider the best way to secure provision for children in other local schools.

Section 3: Ensuring Fairness and Resolving Issues

3.1 **The Schools Adjudicator** - The Schools Adjudicator **must** consider whether admission arrangements referred to the Adjudicator comply with the Code and the law relating to admissions. The admission authority must where necessary revise their admission arrangements as quickly as possible and no later than **15 April** following the decisions (i.e. the deadline for determination of admission arrangements) to give effect to the Adjudicator's decision. An Adjudicator's determination is binding and enforceable.

3.2 Local authorities **must** refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are unlawful.

3.3 Anyone who considers that any maintained school or Academy's arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator⁵². The following types of objections cannot be brought⁵³:

- a) objections that seek to remove selective arrangements at a maintained school (which are permitted under section 105 to 109 of the SSFA 1988) or a selective Academy;
- b) objections about own authority admission's decision to increase its PAN;
- c) objections in respect of an agreed variation from the Code in relation to admission arrangements for an Academy;
- d) objections to arrangements which raise the same or substantially the same matters as the adjudicator has decided on for that school in the last 2 years; and
- e) anonymous objections.

3.4 The Adjudicator may also consider arrangements that come to the Adjudicator's attention by other means which the Adjudicator considers may not comply with mandatory requirements.

3.5 Objections **must** be referred to the Adjudicator by **30th June** in the determination year. Further information on how to make an objection can be obtained from the Office of the Schools Adjudicator:

<http://www.schoolsadjudicator.gov.uk>

3.6 **Variations** - Once admission arrangements have been determined for

⁵² Subject to the Education Bill 2011 receiving royal assent: Clause 36, which allows anyone to object to admission arrangements, and clause 64.

⁵³ Draft Admissions Regulations 2012.

a particular academic year, they cannot be revised by the admission authority unless they are necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements⁵⁴. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances⁵⁵. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified⁵⁶. A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator.

3.7 Admission authorities **must** notify the appropriate bodies⁵⁷ of all variations and **must** display a copy of the varied admission arrangements on their website.

3.8 **Children with challenging behaviour and those who have been excluded twice** - Admission authorities **must not** refuse to admit children in the normal admission round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion⁵⁸. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so)⁵⁹, and children with SEN statements.

3.9 **Fair Access Protocols** - Each local authority **must** have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority **must** ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol **must** include how the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.

3.10 The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

⁵⁴ Draft Admissions Regulations 2012

⁵⁵ Section 88E SSFA 1998

⁵⁶ In addition to the bodies listed at 1.44 (c)(d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area. Academies do not have to refer proposed variations to their admission arrangements, but instead seek agreement with the Secretary of State.

⁵⁷ As above

⁵⁸ Section 87 of the SSFA 1998.

⁵⁹ (This section is subject to change, pending clause 4 of the Education Bill)

3.11 All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

3.12 Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol⁶⁰. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and **must** be described in the local authority's Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs naming the school in question, as these children **must** be admitted.

3.13 Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

3.14 A Fair Access Protocol **must not** require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

3.15 The list of children to be included in a Fair Access Protocol is to be agreed with the majority of schools in the area but **must**, as a minimum, include the following children of compulsory school age who have difficulty securing a school place:

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for two months or more;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive family backgrounds for whom a place has not been sought;
- f) children who are carers; and
- g) children with special educational needs, disabilities or medical conditions (but without a statement).

3.16 **Local authority powers of direction (general)** - A local authority has the power⁶¹ to direct the admission authority for any maintained school in its area to admit a child even when the school is full. The local authority can only

⁶⁰ Where in the case of an Academy it cannot agree with the local authority over admitting a child, only the Secretary of State can direct the Academy to admit the child.

⁶¹ Sections 96 and 97 of the SSFA 1998.

make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

3.17 Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

3.18 If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

3.19 **Local authority powers of direction (looked after children)** - A local authority also has the power⁶² to direct the admission authority for any maintained school in England to admit a child who is looked after by the local authority, even when the school is full. The local authority **must not** choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size⁶³.

3.20 Before deciding to give a direction, the local authority **must** consult the admission authority of the school it proposes to direct. The admission authority **must** tell the local authority within 7 days whether it is willing to admit the child. If, following consultation, the local authority decides to direct, it **must** inform the admission authority, the governing body (if the school is a voluntary controlled or community school), the local authority that maintains the school, and the head teacher. The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days. If the child has been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the governing body (if the school is a voluntary controlled or community school) may also refer the case to the Adjudicator. The admission authority or governing body **must not** refer the

⁶² Sections 97A-C of the SSFA 1998.

⁶³ Looked after children are excepted pupils outside of the normal admissions round under the draft Infant Class Size Regulations 2012.

case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or governing body does refer the case, it **must** tell the local authority that looks after the child. The local authority **must not** make a direction until the 7 days have passed and the case has not been referred.

3.21 If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school in England **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct an alternative school to admit a child unless the local authority that looks after the child agrees, nor if the child is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources.

3.22 **Secretary of State power of direction (Academies)** - Where a local authority considers that an Academy⁶⁴ will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision⁶⁵.

3.23 **Local authority reports** - Local authorities **must** produce an annual report on admissions for all the schools in their area for which they co-ordinate admissions, to be published locally and sent to the Adjudicator by **30 June** following the admissions round. The report **must** cover as a minimum:

- a) information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen;
- b) an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, including how many children were admitted to each school under them;
- c) the number and percentage of lodged and upheld parental appeals;
and
- d) any other issues the local authority may wish to include.

⁶⁴ 'Academies' means Academy Schools for the purposes of s1 Academies Act 2010 and includes Free Schools.

⁶⁵ 39 Section 25(3A) of the SSFA 1998.

Appendix – Relevant Legislation

1. This appendix sets out the primary legislation and regulations most relevant to admissions decisions. Admission authorities, Schools Adjudicators, appeal panels, local authorities and maintained schools **must** comply with the relevant law as well as acting in accordance with the provisions of this Code. This Code and the School Admission Appeals Code (the Codes) are applied to Academies through their Funding Agreements. The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law: that is for the courts.

Equality Act 2010

2. This Act consolidates the law prohibiting discrimination, harassment and victimisation and expands the list of protected characteristics. All schools must have due regard to their obligations under the Act and to review their policies and practices to make sure these meet the requirements of the Act, even if they believe that they are already operating in a non-discriminatory way.
3. An admission authority **must** not discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.
4. An admission authority **must** not harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.
5. An admission authority **must** not victimise a person in relation to a protected act either done, or believed to have been done by that person (e.g. bringing proceedings under the Equality Act 2010) in the arrangements and decisions it makes as to who is offered admission as a pupil.
6. The Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character (faith schools) are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.
7. Admission authorities are also subject to the Public Sector Equality Duty and therefore **must** have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

8. The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
9. Further guidance on the Public Sector Equality Duty is available on the website of the Government Equalities Office and from the Equality and Human Rights Commission.

Human Rights Act 1998

10. The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

School Standards and Framework Act 1998

11. Chapter 1 of Part 3 of the School Standards and Framework Act 1998 contains the key provisions regarding schools admissions, including the statutory basis for this Code.
12. Section 86 of the SSFA 1998 provides that the admission authority for a maintained school (with the exception of those that select wholly by ability) **must** comply with any preference expressed by a parent except where to do so would prejudice the provision of efficient education or the efficient use of resources.
13. Section 94 of the SSFA 1998 provides that parents (and in some circumstances children) may appeal against admissions decisions. Admission authorities are required to inform parents, through the local authority, of their right of appeal, and also to establish panels to which parents can appeal against decisions to refuse admission to preferred schools. Admission authorities **must** admit a child where an appeal has been upheld.
14. The Codes largely include the provisions relating to school admissions made in regulations⁶⁶.

⁶⁶ (Applicable regulations to be set out when Code is laid before Parliament).

Appendix - Sample Admission Arrangements - *These example arrangements are provided for illustrative purposes only – they are not “suggested” arrangements and should not be seen as such. Arrangements for individual schools must be set in the context of local circumstances.*

The school has an agreed admission number of 240 pupils for entry in year 7. The school will accordingly admit at least 240 pupils in the relevant age group each year if sufficient applications are received. All applicants will be admitted if 240 or fewer apply.

When the school is oversubscribed, after the admission of pupils with Statements of Special Educational Needs where the school is named in the Statement, priority for admission will be given to those children who meet the criteria set out below, in order:

- (1) A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order⁶⁷. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in section 22(1) of the Children Act 1989).
- (2) Children with a sibling attending the school at the time of application. Sibling is defined in these arrangements as children who live as brother or sister in the same house, including natural brothers or sisters, adopted siblings, stepbrothers or sisters and foster brothers and sisters.
- (3) Other children by distance from the school, with priority for admission given to children who live nearest to the school as the crow flies. Distances are measured from the main entrance of the child's home to the main entrance of the school.

Random allocation will be used as a tie-break in category '3' above to decide who has highest priority for admission if the distance between two children's homes and the school is the same.

⁶⁷ An adoption order is an order under section 46 of the Adoption and Children Act 2002. A 'residence order' is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

The Admissions Timeline

The timetable and procedures for admissions are set out in both the Code and regulations. The admissions timeline applies to all state funded schools including Academies and Free Schools (through their funding agreement).

Local Authorities will have a key role in providing information to parents on admission arrangements and schools in their area and in co-ordinating school admissions for parents and state funded schools. Local authorities will also have oversight of the outcome of in-year applications.

In the normal admissions round (i.e. October - end February), parents apply to the local authority in which they live for places at their preferred primary or secondary schools. For late applications outside the normal round of admissions (i.e. March - end August), parents apply to the local authority. For in-year applications (i.e. September onwards) there is no requirement for local authorities to co-ordinate in-year for the offer year 2013/14 and all subsequent years but they **must**, on request, provide information to a parent about the places still available in all schools within its area, and a suitable form for parents to complete when applying for a place for their child at any school for which they are not the admission authority. Any parent can apply for a place for their child at any time to any school.

Example

Determination Year (2011/12)

(The academic year in which admission authorities determine their admission arrangements)

1 November 2011	Earliest date to start consultation on proposed arrangements (Consultation must last a minimum of 8 weeks)
1 January 2012	Local authority must have formulated and adopted a co-ordinated scheme for state funded schools in their area.
1 March 2012	Consultation of proposed admission arrangements must be completed.
15 April 2012	Deadline for admission arrangements to be determined even if they have not changed from the previous year and a consultation has not been required.
15 April 2012	Secretary of State (SofS) may impose a co-ordinated scheme if local agreement has not been secured by this date.
1 May 2012	Local authorities must publish information about admission arrangements on their website: to include those arrangements that have been determined, parents'

rights of objection, how to object.

- 30 June 2012 Deadline for Local Authority report to the Schools Adjudicator on admission arrangements in their area.
- 30 June 2012 Deadline for objections to the Schools Adjudicator.
- 8 August 2012 Governing Bodies must provide admission arrangements information to the local authority to allow them to compile composite prospectus.

Offer Year (2012/13)

- 12 September 2012 Local authority must publish composite prospectus.
- 31 October 2012 National closing date for secondary school applications.
- 15 January 2013 National closing date for primary school applications.
- 28 February 2013 Admission authorities to publish their appeals timetable on their website.
- 1 March 2013 National offer day for secondary school places.
- (16 April - National offer day for primary school places - the first National Offer Day for primary school places will occur in 2014 for the 2014/15 intake).
- 30 June 2013 Local Authority report on effectiveness of admission arrangements.

Appeals

The timescales within which admission authorities must ensure that appeals are heard are detailed in section 2 of the School Admission Appeals Code; for example, for applications made in the normal admissions round, appeals must be heard within 40 days of the deadline for lodging appeals.

September 2013 New intake starts at school.

Consultation

Warwickshire County Council Admission Arrangements 2013 / 2014

Disclaimer

The information in this document is believed to be correct at the time of publication. Much of the information is based on the School Admissions Code which came into effect on 10 February 2010. A new School Admissions Code is expected to be confirmed during late 2011 or early 2012 and there may be changes which affect the accuracy of the information contained. Please contact the Admissions Service or consult the Warwickshire County Council website for the most up to date information.

Please also note that many schools in Warwickshire have converted or are converting to academy status and this may have an impact on the information contained within this document.

Warwickshire County Council accepts no liability for any loss, damage or inconvenience caused as a result of any reliance on information contained within this document.

While this document is only for consultation purposes please note that Admission Authorities can change their policies if required, subject to relevant consultation.

Please note there are changes to last year's admission arrangements

- **On 2 November 2011, a revised draft** Admissions Code was published. While this is still subject to final approval, only minor changes are now expected. Certain changes contained within the **revised** Code have been included in this consultation document as they will form part of our determined arrangements if **the changes are implemented** as expected. These changes are either underlined or otherwise clearly indicated.
- Other changes include:
 - Consultations to increase the Published Admission Numbers (PANs) at a number of schools. Full details can be found at Appendix A.
 - Timetables for entry to reception, junior (Y3) and secondary school (Y7). Dates do differ each year so please familiarise yourself with details for entry to schools in September 2013.
 - Warwickshire's In-Year Fair Access Protocol has been revised.
 - Changes to how places will be allocated when students within the same criterion live an identical distance from the school.
 - Other general changes to the layout of the document and the definitions of certain terms used throughout.
- Arrangements for In-Year Admissions may also change subject to the introduction of the new Admissions Code and the outcome of this consultation exercise. There may also be further changes to Warwickshire's In-Year Fair Access Protocol (IYFAP).

Admission Arrangements for 2013/2014

1. Background

- 1.1. The Local Authority (LA) is the admissions authority for community and controlled schools and is therefore responsible for determining the admission arrangements for these schools. The School Standards and Framework Act 1998 requires local authorities to consult with parties annually about admission arrangements before determining or varying them and the School Admissions Code lists those who must be consulted.
- 1.2. In academies, voluntary aided, foundation and trust schools, the governing body is the admissions authority and it must consult the local authority and other local admission authorities by 01 March 2012. This applies unless it is exempt from consulting in accordance with paragraph 1.26 of the 2010 School Admissions Code. This states that '*admission authorities must consult **unless** (in the case of admission arrangements for entry in 2011-12 and subsequent years) their admission arrangements were consulted on in one or both of the two previous years and they are the same as the arrangements since the last consultation*'.
- 1.3. All Local Authorities (LAs) are required to have in place a scheme for coordinating admission arrangements for maintained schools and academies within their area.
- 1.4. Coordinated schemes are intended to simplify the admission process for parents whilst reducing the likelihood of any child being left without a school place. Coordination establishes a mechanism that ensures as far as is reasonably practicable, every parent of a child living in a LA area who has applied for a place at a maintained school or academy is sent a single offer of a school place by the Local Authority in which their home address falls (their Home Authority).

2. Warwickshire County Council's Scheme – Community and Voluntary Controlled Infant, Primary and Junior Schools in Warwickshire

- 2.1. The relevant area for Warwickshire is the County of Warwickshire.
- 2.2. Children attending infant and primary schools in Warwickshire can be admitted at the beginning of the academic year in which they reach five years of age; this can be in advance of statutory school age.
- 2.3. Where a child is admitted in advance of statutory school age parents can request that the date their child is admitted to school is deferred until later in the year or until the term in which the child reaches compulsory school age. Parents can also request that their child takes up the place part-time until the child reaches compulsory school age.
- 2.4. Children are required by law to start school at the beginning of the term following their fifth birthday.
- 2.5. Children will transfer from infant to junior (or primary) schools at the beginning of Year Three (3).

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- 2.6. Parents of children living in Warwickshire are able to name six (6) schools on their Common Application Form (CAF) in their preferred order.

3. Operational Scheme

- 3.1. All schools have a Published Admission Number (PAN or admission number). This is the maximum number of places that the school can offer in each year group. Details of each school's admission number can be found at Appendix A.
- 3.2. In Warwickshire each community and voluntary controlled school has an area identified as its priority area (other LAs refer to catchment areas). A small number of schools share priority areas; these are known as shared priority areas. Full details of priority areas are available on the Warwickshire County Council website.
- 3.3. Child data is gathered from various sources between June and September each year. Private and maintained nurseries are asked to supply data regarding children eligible to start Reception the following year. Warwickshire schools are also asked to provide pre-admission lists containing details of students whose parents have expressed an interest in the school.
- 3.4. Parents of the children identified as being resident in Warwickshire and having a date of birth that falls on or between 1 September 2008 and 31 August 2009 will be sent a primary application pack from August 2012 onwards. Parents are encouraged to apply via Warwickshire's on-line service.
- 3.5. Publications containing details of the closing dates for submitting a Common Application Form are sent to Warwickshire Schools, Nurseries, Post Offices, Libraries, Parish Councils and Doctor's Surgeries. Full details of the process are also made available on the Warwickshire County Council website.
- 3.6. Parents are able to express up to six (6) preferences for schools within Warwickshire or any other LAs and to give reasons for their preferences.
- 3.7. All of the preferences will be treated equally when allocating school places against the over-subscription criteria for each school or academy in Warwickshire.
- 3.8. Preferences for schools or academies in other LAs will be considered against the relevant over-subscription criteria.
- 3.9. Where it is possible to offer a place at more than one of the schools listed on the application form a place will be offered at the highest preference possible.
- 3.10. In the event that a **Warwickshire infant or primary community or voluntary controlled School** is over-subscribed the following over-subscription criteria will be used when allocating places in Reception:

Please note:

Children with a Statement of Special Educational Needs that names a school will be admitted. In this event the number of places that remain for allocation will be reduced.

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Children attending or with a place at a nursery class do not have a higher priority for and are not guaranteed a place in the linked infant or primary school.

1. Children in the care of, or provided with accommodation by, a local authority and children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Children living in the priority area who have a brother or sister at the school at the time of admission.
3. Children living in the priority area who have a brother or sister at the partner junior school at the time of admission.
4. Other children living in the priority area.
5. Children living outside the priority area who have a brother or sister at the school at the time of admission.
6. Children living outside the priority area who have a brother or sister at the partner junior school at the time of admission.
7. Other children living outside the priority area.

Within each criterion priority is given in order of distance between the child's home and school. (shortest distance = highest priority).

Distance will be calculated by straight line measurement from the address point location coordinate of the applicant's home address (as set by Ordnance Survey) to the centre point ('centroid') of the school in question. (All measurements are subject to repositional accuracy changes).

- 3.11 In the event that a **Warwickshire junior or primary community or voluntary controlled school** is over-subscribed the following over-subscription criteria will be used when allocating places in Year Three (3) junior transfer:

Please note that children with a Statement of Special Educational Needs that names a school will be admitted. In this event the number of places that remain for allocation will be reduced.

1. Children in the care of, or provided with accommodation by, a local authority and children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Children living in the priority area who have a brother or sister at the school at the time of admission.
3. Children living in the priority area who have a brother or sister at the partner infant school at the time of admission.
4. Other children living in the priority area.

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5. Children living outside the priority area who have a brother or sister at the school at the time of admission.

6. Children living outside the priority area who attended the partner infant school immediately prior to transfer.

7. Children living outside the priority area who have a brother or sister at the partner infant school at the time of admission.

8. Other children living outside the priority area.

Within each criterion priority is given in order of distance between the child's home and school. (shortest distance = highest priority).

Distance will be calculated by straight line measurement from the address point location coordinate of the applicant's home address (as set by Ordnance Survey) to the centre point ('centroid') of the school in question. (All measurements are subject to repositional accuracy changes).

3.12 Where the LA is unable to allocate a place at any preferred school, a place will be allocated at the next nearest community or voluntary controlled school maintained by Warwickshire with availability **or** the next nearest own admission authority school (voluntary aided, trust, foundation, or academy) with availability which is prepared to offer a place. The next nearest school with availability will be identified based on distance calculated by straight line measurement.

3.13 Waiting lists will be held for all maintained schools and those listed in the 'Waiting Lists' section until 31 December 2013, at which point an applicant will enter the in-year admission arrangements.

4 Timetable for processing applications to Reception and Year 3 for entry in September 2013.

Primary Timetable	Process for Admission to Reception And Transfer to Year 3 2013 entry	ACTION REQUIRED
From June 2012	Press release / local radio announcements.	
	Schools to provide pre-admission lists	Schools' action
	Pre-Schools and Nurseries to provide lists of children born between 01/09/08 – 31/08/09	Pre-schools' / nurseries action
	Nurseries, Pre-Schools, Schools, Libraries, Doctors Surgeries, Post Offices and Parish Councils to display posters re: admissions process	WCC to send and parties to display posters.
	Nurseries & Pre-Schools to distribute registration fliers	WCC to send and pre-schools and schools to

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	<p>Schools / pre-schools urged to inform parents by newsletter and / or any means at their disposal of closing date</p> <p>School census information received for junior transfer phase</p>	<p>distribute to parents</p> <p>Schools and pre-school action</p>
25 June 2012	Applications can be submitted on-line as the LA's Admissions software goes live	
From 13 August 2012	Reception packs posted to parents by Admissions Service	Admissions service to send
From 03 September 2012	<p>Fliers sent to Infant schools for children in Year Two advertising on-line admissions</p> <p>Junior packs sent to Infant Schools</p>	Schools to distribute
15 January 2013	<p>National closing date for reception and junior applications to be submitted by Admissions Service via post or on-line</p> <p>Late applications will be considered after those received on time</p>	
<p>28 January 2013 TBC but in line with Birmingham (no date yet from Coventry)</p> <p>01 February 2013</p>	<p>First Exchange of Data with neighbouring local authorities</p> <p>Additional information sent to Voluntary Aided, Foundation Schools and Academies using their own oversubscription criteria in order for children to be prioritised. Sent via SAM to voluntary aided, foundation, trust schools and academies purchasing the school admissions service and to include straight-line measurements. Sent via excel spreadsheet to academies not purchasing the school admissions service (no straight-line measurements included).</p> <p>Sibling Checklists to be sent to all schools via SAM other than academies not purchasing the school admissions service (sent via Excel).</p>	<p>Governors prioritise applications. Must be completed and returned by SAM (or excel spreadsheet for academies not purchasing the school admissions service) by 15 February 2013.</p> <p>All schools check sibling links.</p>
15 February 2013	Voluntary aided, trust, foundation schools and academies using their own admission criteria to provide full lists of applicants in priority order. Information to be provided via SAM unless the school is an academy not purchasing the school admissions	Aided, Foundation and Academy Governors supply rank order list of applicants.

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	<p>service (data to be returned via excel spreadsheet).</p> <p>Final date for families moving into the area (proof of address must be provided by this date)</p>	
04 March 2013 onwards TBC but in line with Coventry	Provisional offers shared between Local Authorities	
28 March 2013 TBC but in line with Birmingham (no date yet from Coventry)	Final Offers exchanged with other local authorities. (Day before Good Friday)	
8 April 2013	List of allocations posted to infant, junior and primary schools	Schools to identify any issues with allocation lists
15 April 2013	<p>Admissions Service post offers to all Warwickshire parents.</p> <p>Offers to on-line applicants available from 5pm via email</p> <p>Automatic waiting lists open</p>	
29 April 2013	Closing date for parents to accept offer. Acceptance slips to Admissions Service. Places will be reallocated as and when vacancies arise, up to and including 31 December 2013	
29 April 2013	Reminder letters sent to parents who have not accepted the place offered. Parents given seven days to respond.	
May to July 2013	Appeals will be scheduled.	
End of Term	Final Electronic file of allocations via S2S	

5. Warwickshire County Council's Scheme for Community and Voluntary Controlled Secondary Schools in Warwickshire

- 5.1. The relevant area for Warwickshire is the County of Warwickshire.
- 5.2. Children will transfer from primary and junior schools at the end of Year Six (6).
- 5.3. Parents of children living in Warwickshire are able to name seven (7) schools on their Common Application Form (CAF) in their preferred order.

6. Operational Scheme

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- 6.1. All schools have a Published Admission Number (PAN or admission number). This is the maximum number of places that the school can offer in each year group. Details of each school's admission number can be found at Appendix A.
- 6.2. In Warwickshire each community and voluntary controlled school has an area identified as its priority area (other LAs refer to catchment areas). A small number of schools share priority areas; these are known as shared priority areas. Full details of priority areas are available on the Warwickshire County Council website.
- 6.3. Parents of the children identified as being resident in Warwickshire and having a date of birth that falls on or between 1 September 2001 and 31 August 2002, will be sent a secondary application pack via their child's primary / junior school from June 2012. Application packs will also be sent to Year Five children attending Stratford Preparatory School, The Croft School, Bilton Grange Preparatory School, Milverton House and Crescent School. Details of those children resident in Warwickshire but attending schools outside of Warwickshire are sent to the Admissions Service by the current school's home LA (usually during the summer term). Application packs will be sent to these children as and when information is received.
- 6.4. Parents are able to express up to seven (7) preferences for schools within Warwickshire or any other LA's area and to provide the reasons for their preferences. Parents are encouraged to apply via Warwickshire's on-line service.
- 6.5. All of the preferences will be treated equally when allocating school places against the over-subscription criteria for each school or academy in Warwickshire.
- 6.6. Preferences for schools or academies in other LAs will be considered against the relevant over-subscription criteria.
- 6.7. Where it is possible to offer a place at more than one of the schools listed on the application form a place will be offered at the highest preference possible.
- 6.8. In the event that a Warwickshire Secondary Community or Voluntary Controlled School is over-subscribed the following over-subscription criteria will be used when allocating places in Year Seven (7).

Please note:

Children with a Statement of Special Educational Needs that names a school will be admitted. In this event the number of places that remain for allocation will be reduced.

1. Children in the care of, or provided with accommodation by, a local authority and children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Children living in the priority who will have a brother or sister at the school at the time of admission.

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3. Other pupils living in the priority area.
4. Children living outside the priority area who will have a brother or sister at the school at the time of admission.
5. Other children living outside the priority area.

Within each criterion priority is given in order of distance between the child's home and school. (shortest distance = highest priority)

Distance will be calculated by straight line measurement from the address point location coordinate of the applicant's home address (as set by Ordnance Survey) to the centre point ('centroid') of the preferred school. (All measurements are subject to repositional accuracy changes).

6.9. Where the LA is unable to allocate a place at any preferred school, a place will be allocated at the next nearest community or voluntary controlled school maintained by Warwickshire with availability **or** the next nearest own admission authority school (voluntary aided, trust, foundation, or academy, **excluding selective schools**) with availability which is prepared to offer a place.. The next nearest school with availability will be identified based on distance calculated by straight line measurement.

6.10. A number of Foundation, Trust and Academy Schools in Warwickshire use the above oversubscription criteria. These are listed below.

Please note:

As schools convert to academy status the list below is subject to change. Please contact either Warwickshire County Council or the school directly for confirmation.

Alcester High School (Academy)
Ash Green School (Foundation)
Hartshill School (Foundation)
Henley High School (Academy)
Kenilworth School (Trust)
Myton School (Academy)
Queen Elizabeth School (Foundation)
Stratford High School (Academy)
Studley High School (Academy)
The Avon Valley School (Foundation)
The Coleshill School (Academy)
The George Eliot School (Academy)
The Nuneaton Academy (Academy)
The Polesworth School (Academy)

6.11. Waiting lists will be held for all maintained schools and those listed in the 'Waiting Lists' section until 31 December 2013, at which point an applicant will enter the in-year admission arrangements.

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6.12. For full details of admission to Selective (Grammar) Schools in Year 7 please refer to the school's own consultations on admission arrangements.

7. Timetable for processing applications to Secondary School (Year 7) in September 2013.

Secondary Timetable	Process for Transfer to Secondary School 2013 entry	Action required
30 April 2012	The Admissions Service will write to all primary and junior Schools with current Year Five data	Schools are required to check data and return amended data to the Admissions Service by Monday 7 May 2012
28 May 2012	Application packs and 11+ registration forms to all Warwickshire Schools to include Stratford Preparatory School, The Croft School, Bilton Grange Preparatory School, Milverton House and Crescent School	Schools distribute application packs to Year 5 pupils
25 June 2012	On-line application process open's	
TBC	Closing date for 11+ registration forms to be returned to the Admissions Service	
TBC	Allocation of test venues sent to 11+ candidates	Admissions Service to send out
TBC	Sessions for 11+ Testing	
TBC	Supplementary date for 11+ Testing for children who cannot be tested on previous dates for religious reasons or who can provide appropriate written evidence of previous engagements or sickness	
31 October 2012	National closing date for applications to be received by the Admissions Service Late applications will be considered after those received on time.	
19 November 2012 TBC but in line with Birmingham and Coventry	First exchange of data with surrounding local authorities.	
26 November 2012	Total and first preference count to schools Additional information sent to Voluntary Aided, Foundation Schools and	Governors prioritise applications. Must be

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	<p>Academies using their own oversubscription criteria in order for children to be prioritised. Sent via SAM to voluntary aided, foundation, trust schools and academies purchasing the school admissions service and to include straight-line measurements. Sent via excel spreadsheet to academies not purchasing the school admissions service (no straight-line measurements included).</p> <p>Sibling Checklists to be sent to all schools via SAM other than academies not purchasing the school admissions service (sent via Excel).</p>	<p>completed and returned by SAM (or excel spreadsheet for academies not purchasing the school admissions service) by 14 January 2013.</p> <p>All schools check</p>
26 November – 30 November 2012	Admissions send selection scores to all junior and primary schools	
By 14 January 2013	Voluntary aided ,trust, foundation schools and academies using their own admission criteria to provide full lists of applicants in priority order. Information to be provided via SAM unless the school is an academy not purchasing the school admissions service (data to be returned via excel spreadsheet).	Aided, Foundation and Academy Governors supply rank order list of applicants.
09 January 2013 TBC but in line with Coventry	Second exchange of data to surrounding local authorities	
23 January 2013 TBC but in line with Coventry	Third exchange of data to surrounding local authorities	
4 February 2013	Final date for families moving into the area (proof of address must be provided by this date)	
6 February 2013 TBC but in line with Coventry	Fourth exchange of data to surrounding local authorities	
13 February 2013 TBC but in line with Coventry	Final exchange of data with surrounding local authorities	
13 February 2013	List of allocations posted to junior, primary and secondary schools.	Primary / junior schools check for changes to address or discrepancies by 25 February 2013.

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		NB Confidential
1 March 2013	<p>National Offer Day. Offers of places posted to Warwickshire children to include 11+ results</p> <p>Offers to on-line applicants available from 5pm via email</p> <p>Offers posted to out county children by home authority</p> <p>Automatic waiting lists open</p>	
15 March 2013	Closing date for parents to accept offer. Acceptance slip to Admissions Service. Places will be reallocated by Admissions Service as and when vacancies arise up to and including 31 December 2013	
15 March 2013	Reminder letters sent to parents who have not accepted the place offered. Parents given seven days to respond.	
April / May / June 2013	Appeals scheduled	
End of term	Final Electronic file of allocations to schools via S2S	

8. Appeals

8.1. Parents will be informed of their statutory right of appeal when they receive the outcome of their application. Parents can appeal for any preference expressed, but not allocated, even if it was a lower preference than the one offered.

8.2. Appellants will be expected to lodge appeals prior to the publicised deadline, but will be given at least 20 school days from the date of notification that their application was unsuccessful to prepare and lodge their written appeal; in the case of voluntary aided, foundation, trust schools and academies, appeal forms will be available from the school's admission authority unless stated below.

8.3. The Local Authority will provide appeal forms for all community and voluntary controlled schools and the following voluntary aided, foundation, trust schools and academies.

Please note:

As schools convert to academy status the list below is subject to change. Please contact either Warwickshire County Council or the school directly for confirmation

Alcester High School (Academy)
 Ash Green School (Foundation)
 Hartshill School (Foundation)
 Henley High School (Academy)
 Kenilworth School (Trust)

Myton School (Academy)
Queen Elizabeth School (Foundation)
Stratford High School (Academy)
Studley High School (Academy)
The Coleshill School (Academy)
The George Eliot School (Academy)
The Nuneaton Academy (Academy)
The Polesworth School (Academy)
Trinity Catholic School (Aided)

Henley in Arden Voluntary Aided Primary (Aided)
Our Lady's Catholic Primary School, Alcester (Aided)
St Anne's Catholic Primary (Aided)
St. Anthony's Catholic Primary (Aided)

9. Waiting Lists

9.1. Waiting lists for all of Warwickshire's primary and secondary community and voluntary controlled schools will be held by the Council. Warwickshire LA will also hold waiting lists for the following voluntary aided, foundation, trust schools and academies.

Please note:

As schools convert to academy status the list below is subject to change. Please contact either Warwickshire County Council or the school directly for confirmation.

Alcester High School (Academy)
Ash Green School (Foundation)
Hartshill School (Foundation)
Henley High School (Academy)
Kenilworth School (Trust)
Myton School (Academy)
Queen Elizabeth School (Foundation)
Stratford High School (Academy)
Studley High School (Academy)
The Avon Valley School (Foundation)
The Coleshill School (Academy)
The George Eliot School (Academy)
The Nuneaton Academy (Academy)
The Polesworth School (Academy)
Trinity Catholic School (Aided)

9.2. Children will be automatically added to the waiting lists of all Warwickshire schools listed as a higher preference than the school at which a place is allocated. This excludes grammar schools where waiting lists are set by a child's performance in the selection (11+) test. The Admissions Service will advise parents if their child is on a grammar school waiting list. The 11+ test is operated by Warwickshire County Council on behalf of the six grammar schools in Warwickshire. Full details can be found in the school's own admission arrangements.

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- 9.3. Waiting lists are compiled in strict priority order against the published oversubscription criteria. Offers will be made from the waiting lists as vacancies arise. A child's position can move both up and down the waiting list as other students are added to the list. Late applicants are not penalised when added to waiting lists, and the amount of time a child has been on a school's waiting list is irrelevant.
- 9.4. The parents of children on waiting lists will be contacted at the end of the Autumn term and asked if they wish their child to remain on the list. Parents must respond within the relevant timescale. If they do not register their continued interest their child will be removed from the relevant list.
- 9.5. Following the end of the Autumn term students on waiting lists will enter the 'In-Year Admission Arrangements'.
- 9.6. Warwickshire parents wishing for their child to be placed on the waiting list of a school outside of Warwickshire must contact Warwickshire Admissions.

10. Warwickshire County Council's In-Year Admission Arrangements. Please note that these may be subject to change dependent on the implementation of the new draft School Admissions Code.

10.1. Introduction

- 10.1.1. Local authorities are required to coordinate the admission of all In-Year applications. This became a requirement from September 2010.

10.2. Procedure

- 10.2.1. The Council's application form enables parents to name up to six preferences within it and all preferences expressed by parents will be treated equally. This means that each preference will be measured against the published oversubscription criteria only, without reference to the order that they are given on the application form. Only one school place will be offered, and this will be the highest possible preference expressed that can be agreed. Application forms will be available from:

- Warwickshire County Council's Admissions Service;
- Warwickshire County Council's Website;

- 10.2.2. The application form will allow parents to provide:

- information about their child's educational history;
- their reasons for changing their child's school; and
- details of the official Services and individuals involved with their child, for example Education Social Workers.

- 10.2.3. Parents will be encouraged to obtain from the headteacher of their child's current school confirmation of the accuracy of the educational information provided before it is submitted to the Council; this will enable a discussion to

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take place with the current school regarding any concerns the parents may have.

10.2.4. Parents will be asked to provide proof of address when submitting an application form.

10.2.5. Once an application form has been submitted its contents will be assessed and, if the child's circumstances are covered by the Council's In-Year Fair Access Protocol (IYFAP), a place will be allocated to them under this Protocol, as the IYFAP allows hard to place children, i.e. those with greater needs or more challenging behavior, to be shared across schools.

10.2.6. If a preference is expressed for a voluntary aided, foundation, trust school or academy (using their own admissions criteria), details of the application will only be sent to the school if it is ranked first or an offer cannot be made at a higher ranked school.

10.2.7. Voluntary aided, foundation, trust schools and academies will be required to notify the Council, within seven school days of receipt of an application, if a place can (or cannot) be offered.

10.2.8. Applications made for another local authority's school will be sent electronically in order for them to be considered in line with that school's admission criteria.

10.2.9. Where it is not possible to offer any of the named preferences and the applicant does not want their child to remain at their current school, a school place will normally be offered at the nearest school to the child's home with a place available.

10.3. Notifying parents of the outcome of their applications.

10.3.1. The Council will notify the parents of children living in its area of the outcome of their applications, regardless of whether the Council is the school's admission authority. Notification letters will not be sent by individual schools, as an official offer can only be made by the child's home local authority.

10.3.2. Parents are expected to confirm acceptance of the offer of a school within fourteen days after the date of the offer and to ensure that their child begins attending the school awarded within six weeks of receiving the offer, as the offer can be withdrawn if parents fail to do so.

10.4. Appeals

10.4.1. Parents will be informed of their statutory right of appeal when they receive the outcome of their applications. Parents can appeal for any preference expressed, but not allocated, even if it was a lower preference than the one offered.

10.5. Appellants will be expected to lodge appeals prior to the publicised deadline, but will be given at least 20 school days from the date of notification that their

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application was unsuccessful to prepare and lodge their written appeal; in the case of voluntary aided, foundation, trust schools and academies, appeal forms will be available from the school's admission authority unless stated below.

10.5.1. The local authority will provide appeal forms for all community and voluntary controlled schools and the following voluntary aided, trust, foundation schools and academies.

Please note:

As schools convert to academy status the list below is subject to change. Please contact either Warwickshire County Council or the school directly for confirmation.

Alcester High School (Academy)
Ash Green School (Foundation)
Hartshill School (Foundation)
Henley High School (Academy)
Kenilworth School (Trust)
Myton School (Academy)
Queen Elizabeth School (Foundation)
Stratford High School (Academy)
Studley High School (Academy)
The Coleshill School (Academy)
The George Eliot School (Academy)
The Nuneaton Academy (Academy)
The Polesworth School (Academy)
Trinity Catholic School (Aided)

Henley in Arden Voluntary Aided Primary (Aided)
Our Lady's Catholic Primary School, Alcester (Aided)
St Anne's Catholic Primary (Aided)
St. Anthony's Catholic Primary (Aided)

10.6. Waiting Lists

10.6.1. Waiting lists for all of Warwickshire's primary and secondary community and voluntary controlled schools will be held by the Council. Warwickshire LA will also hold waiting lists for the following voluntary aided, trust, foundation schools and academies.

Please note:

As schools convert to academy status the list below is subject to change. Please contact either Warwickshire County Council or the school directly for confirmation.

Alcester High School (Academy)
Ash Green School (Foundation)
Hartshill School (Foundation)
Henley High School (Academy)
Kenilworth School (Trust)

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Myton School (Academy)
 Queen Elizabeth School (Foundation)
 Stratford High School (Academy)
 Studley High School (Academy)
 The Avon Valley School (Foundation)
 The Coleshill School (Academy)
 The George Eliot School (Academy)
 The Nuneaton Academy (Academy)
 The Polesworth School (Academy)
 Trinity Catholic School (Aided)

10.6.2. Waiting Lists for other schools that use their own published admissions criteria will be held by the individual schools.

10.6.3. All waiting lists held by the local authority will be cleared at the end of each academic term. Towards the end of each term parents will be asked to register their continued interest.

10.7. For in-year admission to selective schools see the school's own admission arrangements.

10.8. Timetable for In-Year Admissions.

Step		
Step 1	Application received by the Admissions Service and acknowledged.	Day 1
Step 2	Application assessed for placement. Does In-Year Fair Access Apply?	Day 1 If yes move to IYFAP If no move to Step 3
Step 3	Input application on to Admissions Database	Day 1
Step 4	If a preference has been expressed for a voluntary aided, trust, foundation school or academy, and it is relevant for them to consider admission, send applicant details to the school by email or fax.	Day 1 If not move to Step 6
Step 5	If a preference has been expressed for a school situated in another local authority's area, send details electronically to that local authority via S2S	Day 1 If not move to Step 6
Step 6	Check availability at preferred schools	Day 2
	Where a school is full move onto the next preference until a place can be offered at one of the preferred schools. If all preferred schools are full move to Step 9.	Day 2
Step 7	Voluntary aided, trust, foundation schools and academies notify the Admissions Service if a vacancy exists in the relevant year group.	Day 3 If yes move to step 8 If no move to step 9
Step 8	If a place can be offered at any school an offer letter will be issued, parents will be notified of their right of appeal to any school ranked higher than the one allocated.	Day 5 Move to step 15
Step 9	If a place cannot be allocated at any school listed, i.e. unplaced, a place at the next nearest school will be allocated.	Day 6

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Step 10	Notify unplaced school of child data.	Day 6
Step 11	Voluntary aided, trust, foundation schools and academy's admissions committees meet to determine criteria for each applicant and notify the Admissions Service of the decision.	Notified on Day 10
Step 12	Other local authorities notify the Admissions Service of decisions relevant to Warwickshire residents.	Notified by Day 10
Step 13	Decision letters are sent for Step 11 and 12 applicants.	Day 10
Step 14	Children refused places are added to waiting lists ranked according to the school's over-subscription criteria and the applicants are then offered places at the school, as they become available, in line with step 8.	Day 10
Step 15	Application closed.	

11. Warwickshire County Council's In-Year Fair Access Protocol (IYFAP). Please note that Warwickshire's IYFAP is currently subject to a separate review, including the development of specific arrangements for primary school children, The IYFAP will be finalised once the situation regarding in-year admissions for 2013/14 is known. While much of the below will apply to all students, the following is proposed for secondary school students falling under the IYFAP.

11.1. Introduction

11.2. Admissions Authorities are required by law to ensure that no school, whether it has places available or not, is asked to admit a disproportionate number of pupils who have been excluded from other schools, have challenging behaviour, or are believed likely for other reasons to present additional demands on the receiving school. (A full list of categories of children who fall under the terms of the IYFAP can be found at IYFAP Appendix 1). The aim of the protocol is to ensure that such pupils are distributed as fairly as possible across the school system in any Area of the County. The protocol applies to all publically funded secondary schools, including Community, Controlled, Voluntary Aided, Academy, Trust and Foundation Schools, and serves to promote the best interests of all children.

11.3. The School Admissions Code, published in February 2009, sets out the responsibilities of admission authorities to devise and operate an agreed In-Year Fair Access Protocol. This includes the requirement to monitor how well their IYFAP is working by including in their annual report to the Schools Adjudicator an assessment of operational effectiveness together with details of how many children have been admitted to each school under the terms of the protocol. In Warwickshire an annual report is also submitted to the Warwickshire Admissions Forum.

11.4. In August 2011 an internal review of the Warwickshire In-Year Fair Access Protocol was conducted in response to a number of factors including:

- (a) the changing relationship between the Local Authority and secondary schools resulting from Academy conversions.

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- (b) the introduction of new arrangements for the management of permanent exclusions.
- (c) concerns expressed in a number of Area Behaviour Partnerships that the Warwickshire IYFAP in its original format was not working as effectively as might be.

11.5. Key Principles

11.6. The primary purpose of the IYFAP is to ensure as far as possible a fair and equitable distribution of secondary age pupils seeking a school place (other than at age of transfer) in an Area of the county, likely to pose additional demands on a receiving school.

11.7. It will be the responsibility of the Local Authority to identify and secure a placement for all such pupils falling under the terms of the IYFAP.

11.8. The Local Authority will do all it can to accommodate parental preference or, where necessary, use the IYFAP database to identify the next appropriate school. However, even though a pupil may be identified as falling under the terms of the IYFAP, this does not override a parent's fundamental right in law to express a preference for a place in a particular school. Under these circumstances schools are obliged to comply with the basic tenet of the School Admissions Code and offer a place where one is available in the relevant year group or, if a place is not available, offer the opportunity of an appeal via an independent appeal panel.

11.9. Schools will not be obliged to offer a place, even where one exists in the relevant age group, where the child has been permanently excluded from two or more schools – in such cases the requirement to comply with parental preference is removed for a period of 2 years from the date when the last exclusion took place. Parents do still have a right of appeal however.

11.10. Under certain circumstances schools may furthermore not be obliged to admit IYFAP pupils where:

- (a) the school at which a place has been requested requires Special Measures or has been removed from Special Measures within the previous two years.
- (b) the school concerned has been issued with a Notice to Improve.
- (c) the school concerned is subject to a Formal Warning Notice issued by the Local Authority.
- (d) the school is a Fresh Start school and has been open for less than two years.
- (e) the school has less than 20% of pupils achieving 5 or more A* - C grades at GCSE including English and Maths.

11.11. Where a school is requested by the Local Authority to admit a pupil under the terms of the IYFAP, the availability of places in the relevant year group ceases to become a barrier to admission, with all schools expected to offer places above their planned admission number under these circumstances. Such pupils will be given priority for admission over any other child on a waiting list or awaiting appeal.

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- 11.12. In order that the admission of a pupil subject to IYFAP is not unduly delayed, schools are expected to respond promptly to requests for admission so as to allow such pupils to be placed within 15 school days of being identified under the protocol.
- 11.13. Where a child returns to live in an Area, having previously attended a local school, the child's previous school will be expected to re-admit them where the IYFAP criteria are met.
- 11.14. Where a school fails to reasonably comply with a Local Authority request to admit a pupil under the IYFAP within the required timescale, the Local Authority reserves the right to direct the school to admit or in the case of an Academy to refer the matter to the appropriate body in order to seek direction.
- 11.15. Selective Grammar Schools will only be required to participate in this protocol should a young person meet the entry requirements for the school.
- 11.16. Operational issues relating to IYFAP
- 11.17. The IYFAP database will be maintained by the Local Authority, employing a points system to acknowledge where schools have admitted pupils under the protocol and to calculate which school in an Area is next to receive a pupil in any particular age group.
- 11.18. Point weightings will be allocated to each of the factors below in order to assist with placements under the IYFAP:
- number of pupils on roll at the school
 - number of pupils receiving free school meals, per year group
 - number of pupils in care of the Local Authority
 - number of pupils permanently excluded during the academic year
 - number of pupils living in super output areas of highest deprivation (top 10%)
 - number of pupils previously admitted in the academic year under an agreed Managed Move
 - number of pupils previously admitted in the academic year under the IYFAP
- 11.19. Schools will be credited with points for each child admitted under the terms of the IYFAP and the school's place in the priority ranking order recalculated in order to ensure an equitable distribution of pupils under the protocol. This will include situations where a pupil identified as falling under IYFAP is admitted in-year:
- by the usual in-year admissions or appeals arrangements as a result of a place being available in the parent's preferred school
 - by means of the Area Behaviour Partnership in the case of a permanently excluded pupil
 - by means of a Managed Move
 - by use of the IYFAP
- 11.20. Identification of pupils subject to the IYFAP will rest principally with the Local Authority Admissions Service by means of the standard in-year application form. Where necessary, consideration will be given as to whether or not a mainstream

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placement is appropriate. However, where a child falling under the IYFAP is admitted to a school by other means (e.g. a Managed Move) it will be the responsibility of the school to inform the IYFAP officer in order that this may be recorded and credited to the school.

11.21. The Local Authority IYFAP officer will be responsible for all administrative aspects of the IYFAP including production and dissemination of necessary pupil information to schools in support of requests for placement, and liaison with parents, headteachers and other agencies where appropriate.

11.22. A Local Authority Education Planning Officer (EPO) will attend and support the Area Behaviour Partnership and, where necessary, assist with the placement of those pupils presenting a particular challenge.

11.23. The Local Authority will produce termly and annual reports to each of the Area Behaviour Partnerships (ABPs) in order to monitor the performance of the IYFAP locally.

11.24. IYFAP Appendix 1 – Children falling under the terms of the Warwickshire Secondary School IYFAP

The vast majority of pupils who move schools during the academic year will be admitted under Warwickshire's normal (in-year) admission arrangements.

Children falling under the IYFAP are those of compulsory school age identified as falling into one of the categories below:

1. Children permanently excluded from school who need to be reintegrated back into mainstream education;
2. Children who have been out of education for longer than one school term;
3. Children whose parents have been unable to find them a place after moving to the area, eg because of an absolute shortage of available places;
4. Children moving into the Area during Year 11.
5. Children withdrawn from schools by their family and unable to find another school place;
6. Children of refugees and asylum seekers;
7. Homeless children;
8. Children where the family have not sought a school place ;
9. Children engaged with the Youth Justice system.
10. Children without a school place and with a history of serious attendance problems (defined as an attendance figure below 80% for the relevant academic year);
11. Children of Traveller Families;
12. Children who are carers;
13. Children with special educational needs but without a statement (ie at School Action Plus);
14. Children with significant disabilities or serious diagnosed medical conditions.
15. Children for whom English is a second language.
16. Children of UK service personnel and other Crown Servants.

11.25. IYFAP Appendix 2 – Timescale for placement of pupils under the Warwickshire Secondary School IYFAP

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Day	Officer	Action
1.	IYFAP Officer	Initial assessment of whether the application falls under the IYFAP or normal admission arrangements. (Fifteen day timescale starts once a child has been identified as falling under the IYFAP).
2 – 4.	IYFAP Officer	Gathers any information missing from the application form. Reviews the IYFAP database to identify appropriate school to approach if parental preference cannot be met.
5.	IYFAP Officer	Approach is made to appropriate school. School allowed two days to consider application.
6.		
7.	IYFAP Officer	If places are available at the preferred choice of school, then the expectation is that the school will agree to a place being offered. Parents are then notified and arrangements are made for the child to join the school as soon as possible. If no place is available at the parents' preferred school, then the IYFAP Officer will approach the next school on the 'to take' list, irrespective of whether or not places are available into relevant year group.
8.		
9.	IYFAP Officer Education Planning Officer Head of Access and Organisation IYFAP Officer	Once the school in question agrees to admit then parents are notified and arrangements are made for the child to join the school as soon as possible. If the school in question refuses to admit, the Education Planning Officer will consider the reasons for the school's refusal. The Education Planning Officer will then make a recommendation to the Head of Access and Organisation as to whether a Direction should be issued in the case of an LA maintained school, under Section 96 of the School Standards and Framework Act. If the school refusing to admit is an Academy, then the matter will be referred to the YPLA who have the responsibility to direct admissions to Academies. If it is felt that the school should not accept the child then the next school from the IYFAP database is approached. The school is provided with information on the child and allowed two days for consideration as above.
10.		
11.	<i>As above</i>	<i>Deadline for school identified as second to take under IYFAP to admit. Process as of day nine applies.</i>
12.		
13.	<i>As above</i>	<i>Deadline for school identified as third to take under IYFAP to admit. Process as of day nine applies.</i>
14.		
15.		Maximum time allowed for any child to be found a suitable educational place or for direction process to have commenced.

11.26. IYFAP Appendix 3 – Powers of Direction

The aim of the IYFAP is that in all cases, children will be admitted within 15 days of them being identified as falling under the protocol, and that they will be admitted to the appropriate school. This will either be the parents preferred choice of school (if places are available) or the school identified by the Local Authority as appropriate. Where a school or academy, after discussion with the Local Authority, refuses to admit a child, then the Local Authority refers the right to direct the school or to seek direction. The appropriate processes and relevant legal framework are set out below.

Community or Voluntary Controlled Schools

Governing bodies of community and voluntary controlled schools must implement any decision made by the local authority relating to admission of children.

Where the governing body of a community or voluntary controlled school refuses to admit a child, and the matter cannot be resolved locally, the matter will be referred to the Secretary of State.

Foundation or Voluntary Aided Schools

Local Authority's can direct the governing body of a foundation or voluntary aided school in its area to admit a child where, in relation to every school within a reasonable distance from the child's home, the child has been refused admission or has been permanently excluded. Such a direction must only specify a school within a reasonable distance from the child's home, and one from which the child has not been permanently excluded.

Governing Bodies of a voluntary aided or foundation school may refer a local authority's decision to direct the admission of a child to the Schools Adjudicator within 15 days or receiving a notice to that effect. The Adjudicator then determines which school is to be required to admit the child. If the local authority is the admission authority for the school identified by the Adjudicator, they must admit the child. In any case, the governing body of the school named in the direction must admit the child.

Academies

Where a local authority considers that a particular Academy will best meet the needs of the child, they can ask them to admit that child even when the Academy is full. A consensus will be reached locally in the large majority of cases, but if the Academy disagrees with the local authority's reasoning and refuses to admit the child, the case can be referred to the Secretary of State. In such cases, the Secretary of State may direct an Academy to admit, and can seek advice from the Adjudicator in reaching his decision. In providing such advice, the Schools Adjudicator will consider the case in the same way as for maintained schools.

12. Glossary / Key Terms

Looked After Children

Children in the care of, or provided with accommodation by a local authority (under Section 22(1) of the Children Act 1989) and children who were looked after, but ceased

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to be so because they were adopted (or became subject to a residence order or special guardianship order).

Sibling, i.e. brother or sister, attending the school at the time of admission

Sibling is defined in these arrangements as; a brother or sister, a half brother or sister, an adopted brother or sister, a step-brother or sister or the child of the parents' partner where the child for whom the school place is sought is living in the same family unit and at the same address as that sibling.

Definition of Home Address

Where the child normally resides / sleeps when they attend school. Addresses involved in child minding arrangements, whether with professional childminders, friends or relatives, are excluded.

Where a school place is allocated on the basis of an address which is subsequently found to be different from the child's home address that place can be withdrawn.

Postal Address File (PAF)

The address point location coordinate of the applicant's home address as set by Ordnance Survey.

Applications made from the same multiple dwelling sharing a single Postal Address File (PAF) / Other applications where the distance from home to school is identical

Where required, individual priority for such applicants within a particular criterion will be set by random allocation (lottery). The draw will be carried out by two officers of the Admissions Service in the presence of a Local Authority Solicitor from Law & Governance Division. The order of draw will be recorded and countersigned at the time.

Separated Parents

Where a child lives with each of their parents at separate addresses, the qualifying address will be the one where the child spends (i.e. sleeps) the majority of the school week. If the child spends exactly equal amounts of time in the two addresses the parents themselves will be asked to nominate which address they wish to be the child's main address for school admission purposes. Should they fail to do so by the published closing date the Council has the right to nominate the address that it considers appropriate.

In the case of disputes between parents, there is an expectation that parents will resolve these amongst themselves and make a single application which both are in agreement with.

Twins, Triplets or other multiple-births

Where the final place in a year group is offered to one of twins, triplets or another multiple-birth child, the Council will normally offer a place to the other multiple-birth child(ren) even if this means going above the school's Published Admission Number (also see Infant Class Size).

Infant Class Size

Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) must not contain more than 30 pupils with a single school teacher.

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Additional children may be admitted under very limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

a) children with Statements of Special Educational Needs admitted outside the normal admission round;

b) looked after children and previously looked after children admitted outside the normal admission round;

c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;

d) children admitted after an independent appeals panel upholds an appeal;

e) children who move into the area outside the normal admission round for whom there is no other available school within reasonable distance;

f) children of UK service personnel admitted outside the normal admission round;

g) twins and children from multiple births when one of the siblings is the 30th child admitted;

h) children with SEN who are normally taught in an SEN unit⁴⁸ attached to the school, or registered at a special school, who attend some infant classes within the mainstream school

Admissions above PAN

Children with a Statement of Special Educational Needs that names the school will be admitted. In this event the number of places that remain for allocation will be reduced or result in a school exceeding its PAN (also see 'Infant Class Size').

If a primary or secondary school is full in the year group, and the child is not covered by one of the categories listed as an 'exception' in the 'Infant Class Size' section, another place can be offered provided that:

- a) no other applicants have been refused places in the same year group – wherever they live
- b) the child is living or moving into the school's priority area (proof of address will be required)
- c) the admission will not breach the infant class size limit (where applicable)
- d) The Local Authority and the school's admission authority (where applicable) are in agreement.

If a school has a waiting list then it will not normally be possible to offer additional places as other applicants **will** have been refused places in the same year group. However, if the Local Authority and the school's admission authority (where applicable) agree, then **all** applicants on the waiting list, or groups of children falling under a particularly high criterion (such as out of area with siblings) **may** be offered a place.

Admission above PAN for Looked After Children

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Except where a child is placed in an emergency, no care placement should be made without the education element being satisfactorily arranged. Where the placement has had to be made in an emergency, and education has not been secured, or where educational provision breaks down, then local authorities must secure an educational placement within 20 school days.

Moves of care placement can occur outside the normal admissions round when many schools are full. To avoid delays resulting from the local appeals procedure, Community and Controlled schools will be asked to admit, without appeal, looked after children resident within their priority area even though their admission limit has already been reached or exceeded.

Where this process would result in a breach to infant class size limits, the local authority would consider the case of the individual child and the reasonableness to refuse admission. Where the local authority deems a school to be the most suitable for the child, an exception to breach the 30 limit will apply (See 'Infant Class Size').

Headteachers and governors of aided, foundation, trust schools and academies are invited to formally adopt the above policy.

Under Age and Over Age applications

Warwickshire County Council's policy is that all children should be educated within their appropriate age group. In rare cases where it might not be appropriate for the child to be educated in the normal year group, there is a detailed process to consider the child's physical, emotional and social maturity before any decisions are made.

Children of UK service personnel (UK Armed Forces)

For families of service personnel with a confirmed posting to their area, a place will be allocated in advance if accompanied by an official government letter which declares a relocation date and a Unit postal address or quartering area address which can be used for the application against the relevant oversubscription criteria. Also see 'Infant Class Size'.

Late applications (Entry or Transfer Year Groups)

Late applications will only be considered after the applications received by the closing dates (on-time applications).

Late applications because of an impending move:

Offers of places at primary level will take account of a future move involving the child's address only if it can be confirmed **before 15 February 2013** i.e. if the parent can provide independent proof of the move, such as a tenancy agreement that terminates after the start of the autumn term or proof that there has been an exchange of contracts in the purchase of a house. There is an expectation that the address used will satisfy the definition of 'home address' (see above). Proof of residence at the address may be required. The Local Authority may undertake a home visit without prior notice to verify a pupil's home 'address'.

Offers of places at secondary level will take account of a future move involving the child's address only if it can be confirmed **before 04 February 2013** i.e. if the parent can provide independent proof of the move, such as a tenancy agreement that terminates after the start of the autumn term or proof that there has been an exchange of contracts

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in the purchase of a house. There is an expectation that the address used will satisfy the definition of 'home address' (see above). Proof of residence at the address may be required. The Local Authority may undertake a home visit without prior notice to verify a pupil's home 'address'.

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Appendix A – Published Admission Numbers for 2013 entry

Infant and Primary Schools	Published Admission Number	Reason for Change in PAN
Abbey C of E Infant School	60	
Abbots Farm Infant School	60	
Acorns Primary School	10	
All Saints C of E (VA) Primary School (Leek Wootton)	20	
All Saints C of E Infant School (Bedworth)	30	
All Saints C of E Primary School And Nursery (Nuneaton)	30	
Alveston C of E Primary School	30	
Arden Forest Infant School	60	
Austrey C of E Primary School	15	
Barford St Peter's C of E Primary School	20	
Bawnmore Infant School	60	
Bidford-On-Avon C of E Primary School	45	
Bilton Infant School	57	
Binley Woods Primary School	30	
Birchwood Primary School	59	
Bishops Itchington Primary School	30	
Bishops Tachbrook C of E Primary School	30	
Bishopton Primary School	30	
Boughton Leigh Infant School	80	
Bournebrook C of E Primary School	19	
Brailes C of E Primary School	15	
Briar Hill Infant School	90	
Bridge Town Primary School	60	
Brookhurst Primary School	60	
Brownsover Community Infant School	60	
Budbrooke Primary School	45	
Burton Green C of E Primary School	15	
Camp Hill Primary School & Early Years Centre	60	
Canon Evans C of E Infant School	80	Potential change
Cawston Grange Primary School	30	
Chilvers Coton Community Infant School	75 Reduce to 60 from September 2013	Surplus places in area
Clapham Terrace Community Primary School And Nursery	30 Reduce to 28 from September 2013	Due to Speech and Language Unit
Claverdon Primary School	30	
Clifton-Upon-Dunsmore C of E Primary School	30	
Clinton Primary School	30	

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Coleshill C of E Primary School	30	
Coten End Primary School	60	
Coughton C of E Primary School	20	
Cubbington C of E Primary School	30	
Curdworth Primary School	17	
Dordon Community Primary School	30	
Dunchurch Infant School	56	
Dunnington C of E Primary School	15	
Eastlands Primary School	30	
Emscote Infant School	60	
English Martyrs Catholic Primary School	30	
Ettington C of E Primary School	25	
Exhall Cedars Infant School	60	
Galley Common Infant School	50	
Glendale Infant School	90	
Goodyers End Primary School	60	
Great Alne Primary School	16	
Gun Hill Infant School	45	
Hampton Lucy C of E Primary School	15	
Harbury C of E Primary School	30	
Haselor (Foundation) Primary School	15	
Henley-In-Arden Community Primary School	29	
Henry Hinde Infant School	60	
High Meadow Infant School	30	
Hillmorton Primary School	30	
Hurley Primary School	20	
Ilmington C of E Primary School	15	
Keresley Newland Primary School	30	
Kineton C of E (VA) Primary School	30	
Kingsbury Primary School	45	
Kingsway Community Primary School	24	Potential change
Knightlow C of E Primary School	30	
Lapworth C of E Primary School	23	
Leamington Hastings C of E Infant School	18	
Lighthorne Heath Primary School	13	
Lillington Nursery and Primary School	30	
Long Itchington C of E Primary School	28	
Long Lawford Primary School	40 Change to 45 from Sept 2013.	Increase in birth rate.
Loxley C of E Community Primary School	6	
Mappleborough Green C of E Primary School	17	
Milby Primary School	60	
Milverton Primary School	45	
Moreton Morrell C of E Primary School	15	
Nathaniel Newton Infant School	60	
Newbold And Tredington C of E Primary School	15	

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Newbold Riverside Primary School	30	
Newburgh Primary School	60	
Newdigate Primary School	30	
Newton Regis C of E Primary School	17	
Northlands Primary School	30	
Nursery Hill Primary School	25	
Oakfield Primary School	45	
Our Lady & St Teresa's RC Primary School	30	
Our Lady Of The Angels Catholic Infant School	70	
Our Lady's Catholic Primary School (Alcester)	15	
Our Lady's Catholic Primary School (Princethorpe)	17	
Outwoods Primary School	60	
Paddox Primary School	60	
Park Lane Primary School Nursery	50	
Priors Field Primary School	30	
Provost Williams C of E Primary School	30	
Quinton Primary School	15	
Race Leys Infant School	70	
Racemeadow Primary School	60	
Radford Semele C of E Primary School	30	
Rokeby (Community) Primary School	30	
Salford Priors C of E Primary School	15	
Shipston-On-Stour Primary School	60	
Shottery St Andrew's C of E Primary School	10	
Shrubland Street Community Primary School	28	
Shustoke C of E Primary School	27	
Snitterfield Primary School	15	
Southam Primary School	42	
Southam St James C of E Primary School	28	
St Andrews Benn C of E Primary	45	
St Anne's Catholic Primary School	29	
St Anthony's Catholic Primary School	30	
St Augustine's Catholic Primary School	30	
St Benedict's Catholic Primary School	25	
St Edward's Catholic Primary School	30	
St Francis Catholic Primary School	30	
St Gregory's Catholic Primary School	30	
St John's Primary School, Nursery and Children's Centre	30	
St Joseph's Catholic Primary School (Whitnash)	30	
St Lawrence C of E (Voluntary Aided) Primary School	26	
St Marie's Catholic Primary School	60	
St Mary Immaculate Catholic Primary School (Warwick)	20	
St Mary's Catholic Primary School (Henley-In-Arden)	10	
St Mary's Catholic Primary School (Southam)	30	

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St Mary's Catholic Primary School (Studley)	30	
St Matthew's Bloxam C of E Primary School	30	
St Michael's C of E Primary School	45	
St Nicholas C of E Primary School (Alcester)	50	
St Nicholas C of E Primary School (Kenilworth)	60	
St Nicolas C of E (Voluntary Aided) Primary School (Nuneaton)	60	
St Oswald's C of E Primary School	30	
St Patrick's Catholic Primary School	30	
St Paul's C of E Primary School (Leamington Spa)	45	
St Paul's C of E Primary School (Nuneaton)	60	
St Peter's Catholic Primary School	15	
Stockingford Infant School	120	
Stockton Primary School	18	
Stratford-Upon-Avon Primary School	30	
Studley Infant School	60	
Sydenham Primary School	30	Potential change
Tanworth-In-Arden C of E Primary School	30	
Telford Infant School	90	
Temple Grafton C of E Primary School	15	
Temple Herdewyke Primary School	12	
The Dasset C of E Primary School	30	
The Ferncumbe C of E Primary School	17	
The Nethersole C of E Primary School	45	
The Revel C of E (Aided) Primary School	45	
The Willows C of E Primary School	60	
Thomas Jolyffe Primary School	60	
Thorns Community Infant School	60	
Tysoe C of E Primary School	30	
Warton Nethersole's C of E Primary School	22	
Water Orton Primary School	55	
Weddington Primary School	60	
Welford-On-Avon Primary School	30	
Wellesbourne C of E Primary School	60	
Wembrook Primary School	90	
Westgate Primary School	30	
Wheelwright Lane Primary School	30	
Whitestone Infant School	90	
Whitnash Primary School	45	
Wilmcote C of E (Voluntary Aided) Primary School	16	
Wolston St Margaret's C of E Primary School	25	Potential change
Wolverton Primary School	15	
Wolvey C of E Primary School	30	
Wood End Primary School	25	
Woodloes Primary School	60	
Woodside C of E Controlled Primary School	40	

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Wootton Wawen C of E Primary School	24	
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Junior Schools	Published Admission Number	Reason for Change in PAN
Abbots Farm Junior School	66	
All Saints' C of E Junior School	60	
Bilton C of E Junior School	105	
Boughton Leigh Junior School	100 Change to 120 from September 2013	Pressure on places
Canon Maggs C of E Junior School	85	Potential change
Chetwynd Junior School	90	
Coleshill C of E Primary School (Y3 Intake)	60	
Croft Junior School	90	
Dunchurch Boughton C of E (Voluntary Aided) Junior School	66	
Henry Hinde Junior School	70	
Herbert Fowler Junior School	45	
Michael Drayton Junior School	127	
Middlemarch School	60	
Park Hill Junior School	66	
Queen's C of E Junior School	90	
Race Leys Junior School	64 Change to 70 from September 2013	Pressure on places
St Giles' Junior School	60	
St James' C of E Junior School	60	
St Joseph's Catholic Junior School (Nuneaton)	68	
St Margaret's C of E Junior School	90	
St Michael's C. of E. (Aided) Primary School (Y3 Intake)	34	
Stockingford Junior School	120	
Studley St Mary's C of E Junior School	60	
Telford Junior School	90	

Secondary Schools	Published Admission Number	Reason for Change in PAN
Alcester Grammar School	90	
Alcester Academy	174	
Ash Green School and Arts College	170	
Ashlawn School	226	
Ashlawn SELECTIVE	30	
Aylesford School. A Specialist Language and Music	206	

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College		
Bilton School. A Maths and Computing College	285	
Campion School	155	
Etone Technology Language Vocational College	150 Change to 155 from Sept 2013	Pressure on places
Harris School	182	
Hartshill School	210	
Henley In Arden High School	123	
Higham Lane School. A Business and Enterprise College	238	
Kenilworth School And Sports College	270	
Kineton High School. A Specialist Sports College	185	
King Edward VI School	75	
Kingsbury School. A Specialist Science and Mathematics College	126	
Lawrence Sheriff School	94	
Myton School. A Specialist Science College and Training School	266 Change to 275 from Sept 2013	Pressure on places
Nicholas Chamberlaine Technology College	300	
North Leamington School	240	
Queen Elizabeth School and Sports College	163	
Rugby High School: A Grammar School with Science and Language Specialist Status	94	
Shipston High School. A Specialist Technology College	77 Change to 90 from Sept 2013	Pressure on places
Southam College	210	
St Benedict's Catholic High School	106	
St Thomas More Catholic School And Technology College	156	
Stratford-upon-Avon Grammar School for Girls. A Specialist College for Language and Science	75	
Stratford-upon-Avon High School. A Maths and Computing Specialist College	290	Pressure on places
Studley High School. Humanities & Music College	150	
The Avon Valley School And Performing Arts College	220	
The Coleshill School. A Maths And Computing College	180	
The Nuneaton Academy	210	
The George Eliot School	190	
The Polesworth School - A Specialist Language College	224	
The Trinity Catholic Technology College. A Specialist Arts and Technology College	210	

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