

# United Learning Admissions (Academies) Policy

## Our Approach to School Admissions

This policy is designed to outline United Learning's approach to school admissions. It is in line with the [Schools Admissions Code](#) (December 2014) and the [Schools Admissions Appeal Code](#) (February 2012) and other relevant legislation.

As a Group of schools, United Learning welcomes children of all faiths and none. Our schools embrace all cultures, races and family backgrounds.

Our schools are committed to serving their local communities. For that reason, we do not look to change the admissions criteria for schools which join us, unless we believe these are already fundamentally unfair, unclear or in violation of the Schools Admissions Code, or if specific requirements for admissions have been agreed as part of the school's Funding Agreement.

As part of the local educational landscape, our aim is that all United Learning academies are excellent local schools which serve their local community well, and this ambition is reflected in the individual admissions policies of each of our schools. The criteria we use to decide the allocation of school places are fair, clear and objective. We aim to work collaboratively with local authorities and other academy trusts on place planning to ensure that children and young people have access to a good education close to where they live.

## The School Admissions Code

The School Admissions Code imposes mandatory requirements on all admission authorities, including Academy Trusts. Academies are required by their funding agreements to comply with the Code, although the Secretary of State has the power to vary this requirement where there is demonstrable need (this is very rarely permitted). As a Multi Academy Trust, United Learning is the overarching Admissions Authority for our academies. Our scheme of delegation assigns responsibility for each academy's admissions policy to the Local Governing Body (LGB) of each academy. All LGBs must ensure the Admissions Policy of their school abide by this policy, the Admissions Code and other relevant legislation.

The purpose of the Code is to ensure all school places for maintained schools and academies are allocated and offered in an open and fair way. The Code uses the language of **must** and **must not** and these requirements are mandatory. The key points are covered in this policy which can act as a quick reference guide for United Learning academies. However, the Code itself should be read in full whenever a school is thinking of changing its admissions to ensure statutory processes, timeframes and approaches are used.

## Admissions Criteria

All United Learning academies must ensure the practices and 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. Each school must have admissions arrangements which set out clearly how children will be admitted, including the criteria that will be applied if there are more applications than places at the school.

Admission arrangements for each school must be set ("determined") annually. Where changes are proposed, consultation on the proposed changes must take place first. If no changes are made to admission arrangements, these must be consulted on at least once every 7 years. More information on consultation can be found on page 4 of this policy.

If a school is undersubscribed, any parent that applies **must** be offered a place. When oversubscribed, admissions must be ranked in order against oversubscription criteria and then that

ranked list returned to the local authority who coordinate all admissions in the area. Published admissions arrangements must make clear to parents that a separate application must be made for any transfer from nursery to primary school, and from infant to junior school (see page 8 of the Code at paragraph 15.e).

## Published Admissions Number

An admission number must be set for each 'relevant age group'. The Code defines this as the age group at which pupils will normally be admitted to the school, typically reception, Year 7 and year 12 where the school admits external applicants to the sixth form (paragraph 1.2). All-through academies must make clear in their admissions arrangements whether the PAN covers only pupils who will be joining the school for the first time and not those transferring to the school's secondary provision from its own Year 6.

Academies can change their PAN, as set out below:

### Changing the PAN

Academies do not need to consult on their PAN where they propose to either increase it or maintain it. However, consultation is required if a decrease to the PAN is intended.

Despite there being no requirement to formally consult if the PAN is to be increased, academies do need to notify their local authority of their intention, and reference must also be made on the school's website alongside their published admissions policy. If at any time a school decides it is able to admit above its PAN, it must notify the local authority in good time to allow the authority to deliver its coordination responsibilities effectively. Academies may also admit over their PAN in-year. Any admissions above the PAN do not constitute an increase to the PAN.

## Oversubscription Criteria

All United Learning academies **must** set out in their admissions arrangements the criteria against which places will be allocated when there are more applications than places and the order in which the criteria will be applied. These criteria **must** reflect any specific requirements set out in the school's Funding Agreement.

All children whose statement of special education needs (SEN) or Education, Health and Care plan (EHCP) names the school **must** be admitted by operation of law (i.e. not under the oversubscription criteria) and a statement to that effect put be put into each academy's admission arrangements.

If the school is not oversubscribed, all applicants **must** be offered a place (with the exception of grammar schools).

Oversubscription criteria must be reasonable, clear, objective, fair and comply with all relevant legislation including equalities legislation. The highest priority **must** be given to looked after children and all previously looked after children. Previously looked after children are children who were looked after, but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order (paragraph 1.7 of the Code).

Arrangements **must** also include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated. This is typically distance or random selection by ballot (see below).

The Code details 15 specific actions that admission authorities **must not** do / include in formulating their admission arrangements (paragraph 1.9 of the Code). Some examples are detailed below, but all schools must ensure their admissions criteria do not include these points. The following **must not** be used in formulating admission arrangements:

- Take into account any previous schools attended unless it is a feeder primary school (see page 3 in this Policy below);
- Give extra priority to children whose parents ranked the school in a particular order (including 'first preference first' arrangements);
- Introduce any new selection by ability;
- Give priority based on financial support from the parents or request financial contributions;
- Take account of reports from previous schools;
- Discriminate against or disadvantage disabled children or those with SEN;
- Interview parents or children. (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).

The Code does not give a definitive list of acceptable oversubscription criteria but the most common ones are detailed below. They can be used in any order although the first criterion must be in favour of LAC and previously LAC (see above). Any changes to admissions proposed by an LGB must be compliant with the Code and should be discussed with the relevant Director before commencing consultation.

**The most widely used criteria are set out below.** United Learning does not prescribe which oversubscription criteria our academies use. However, in many cases our academies choose to mirror the criteria used by the Local Authority in their area to help parents navigate the process more easily. However this is not essential.

- ***Siblings at the School*** (Paragraph 1.11 of the Code)  
Schools must state clearly in their arrangements what they mean by 'sibling' (e.g. whether it 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). Schools can give priority to siblings of pupils attending another state funded school with which they have close links, such as schools on the same site or close links between two single sex schools. Where this is the case, this priority **must** be clearly set out in the arrangements.
- ***Distance from the School*** (Paragraph 1.13 of the Code)  
Each school's admissions policy **must** clearly set out how distance from home to the school will be measured (e.g. how the crow flies or by road), 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. Where a school operates on a split site, the admissions policy must make clear which site the distance is being measured from.
- ***Catchment Areas*** (Paragraph 1.14 of the Code)  
Catchment areas **must** be defined so that they are clear and reasonable.
- ***Feeder Schools*** (Paragraph 1.15 of the Code)  
Secondary schools can name attendance at a feeder primary / middle school as an oversubscription criterion providing the application of this criterion is transparent and made on reasonable grounds. It is important that sufficient actual links can be established between the school and the feeder school. The feeder school could be a United Learning school or a non-United Learning School. Recent Adjudications have indicated that a sufficient link cannot be established solely through the schools being members of the same multi academy trust. Other factors need to be present, for example, close existing working relationships and shared resources. Each case will need to be considered on its own facts in order to establish whether the schools are appropriately linked. It is also necessary not to use feeder school criteria with

the effect that there is no access to the academy for at least some of the children living very close to the academy whose parents have chosen not to send them to the feeder school.

- **Random Allocation** (Paragraph 1.34 of the Code)  
Arrangements **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. The 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.

**Some other examples of permissible over-subscription criteria covered in the Code** but not generally used by United Learning schools are listed below.

- **Selection by aptitude.** All selective schools must publish the entry requirements for a selective place and the process for such selection.
- **Pre-existing, partially selective schools** (pre 1997 arrangements).
- **Banding** (note: banding arrangements that favour high ability children cannot be introduced unless this was in place and has been used continuously since the 1997/98 school year).
- **Selection by aptitude** (PE, Performing Arts, Visual Arts, MFL, Design and Technology / IT). A maximum of 10% of all places can be offered by aptitude and any introduction of that selection method must be fully consulted on in advance as part of overall consultation on proposed changed admission arrangements.
- **Faith based oversubscription criteria in schools designated with a religious character.**
- **Children of staff at the school.**
- **Maintained boarding schools.**
- **Children eligible for pupil premium or service premium.**

**If a school wishes to change their admissions criteria in any way, they must in the first instance discuss this with the relevant Director prior to planning any consultation.**

## Grammar Schools

Only designated Grammar schools are permitted to select their entire intake on the basis of high academic ability (paragraph 1.18 of the Code). They do not have to fill all of their places if applicants have not reached the required standard. Where selection is **wholly** based on selection by reference to ability and only for those who score highest in any selection test, no priority needs to be given to Looked after Children. The Code details more specific information about requirements on Grammar Schools (pages 13 and 15).

## Determination

All schools **must** formally agree admissions arrangements every year, even if they have not changed from previous years and a consultation has not been required. This is allow any objection to the continuation of arrangements to the Office of the Schools Adjudicator. **Admission arrangements must be formally agreed and set by 28 February in the determination year** (the year in advance of the one in which the arrangements are to apply) (paragraph 1.46 of the Code) and **cannot** be changed thereafter for that year other than under the circumstances set out regarding variation described later in this policy. Once determined, each school must notify the local authority (no later than 15 March in the determination year) and must publish them on their website, displaying them for the whole offer year. Minutes of the meeting/s at which the arrangements are determined must be kept and can be called as evidence of the determination decision by the Schools Adjudicator.

Following determination of arrangements, any objections to the arrangements must be made to the Schools Adjudicator no later than 15 May in the determination year.

Schools must provide all the information that the local authority needs to compile the composite prospectus no later than 8 August, which they will then publish by 12 September in the offer year.

### Consultation

For any change in admission arrangements, consultation must be for a minimum of 6 weeks and **must** take place **between 1 October and 31 January** of the school year *before* those arrangements are to apply (paragraph 1.43 of the Code). For example: for arrangements which are to apply to entry in September 2020, consultation **must** be completed by 31 January 2019.

Arrangements can still be objected to and referred to the Schools Adjudicator following consultation. Objections to admission arrangements must be made by 15 May in the determination year. Any decision of the Adjudicator must be acted on by the academy and the Trust, and the admission arrangements amended accordingly.

The Code sets out specific requirements (paragraph 1.44 of the Code) as to whom admission authorities must consult with. This includes parents, the local authority and other admission authorities in the area.

For the duration of the consultation period, schools must publish a copy of their full proposed admission arrangements (including the proposed PAN) on their website together with the details of the person to whom comments may be sent and the areas on which comments are sought. Failure to consult effectively may be grounds for subsequent complaints and appeals.

### Variation

Once admission arrangements have been determined, they cannot be revised unless such revision is necessary to give effect to a mandatory requirement of the Admissions Code, admissions law, a determination of the Adjudicator or any misprint in arrangements. However, a variation may be proposed if there is a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Any approved variation must be published in line with the requirements to publish admission arrangements for the whole offer year (see paragraphs 3.6 and 3.7 of the Code)

### Schools new to United Learning

When a school joins United Learning, the school's existing admission arrangements will be reviewed to ensure they are fair, clear and objective and are in line with the Code. Otherwise, the arrangements will only be changed if they are deemed to be unfair or too vague to be helpful to parents.

### Applications and Offers

Applications in the normal admissions round are managed via the local authority's common application form (CAF) and in line with national offer days of 1<sup>st</sup> March or the next working day for secondary applications and 16<sup>th</sup> April or the next working day for primary applications.

In some cases, academies 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. They **must not** ask for any information prohibited by the list on page 2-3. Schools can ask for proof of date of birth

but must not ask for a 'long' birth certificate or other documents which could include information about the child's parents.

### **Sixth Form**

Children on roll and staying on at sixth form do not need to use the CAF to apply for a sixth form place. Academies can set academic entry criteria for sixth forms and this **must** be the same for both external and internal places (paragraph 2.6 of the Code). School sixth form admissions arrangements for external applicants must be consulted upon, determined and published in accordance with the same timetable as admissions at other entry points. The highest priority in any oversubscription criteria **must** be given to looked after children and previously looked after children who meet the academic entry criteria.

For the avoidance of doubt, once a child has taken up a place at the sixth form, they are entitled to progress through to Year 13, regardless of their academic performance in Year 12.

### **Allocating Places**

Places **must** be allocated on the basis of the determined admission arrangements only. A decision to offer or refuse must not be made by an individual and must be made by the LGB or an admissions committee established by the LGB (paragraph 2.7 of the Code).

In the normal admissions round, 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.

### **Withdrawing an offer or a place**

A place **cannot** be withdrawn 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 deliberately misleading application (paragraph 2.12 of the Code). Where the parent has not responded, they **must** be given a further opportunity to do so alongside an explanation that the offer may be withdrawn if not.

A school **must not** withdraw a place once a child has started at the school except where that place was fraudulently obtained. In such circumstances, the length of time the child has been at the school must be taken into account.

### **Waiting Lists**

If in any year an academy receives more applications for places than there are places available, the academy **must** operate a clear, fair and objective waiting list until at least the 31 December of the admission year (but can be longer) unless different arrangements apply locally whereby the local authority coordinates the waiting list for all schools up to 31 December. Details about the waiting list **must** set out that each added child will require the list to be ranked again in line with the published oversubscription criteria (paragraph 2.14 of the Code). Priority **must not** be given based on the date of the application. Looked after children, previously looked after children, and those allocated a place in accordance with a Fair Access Protocol **must** take precedence over those on a waiting list.

Each school will need to set out in their admissions policy how they will deal with in-year applications. On receipt of an in-year application, academies must 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. Academies must also inform parents of their right to appeal against the refusal of a place.

### **Infant Class Sizes**

Infant classes must not contain more than 30 pupils with a single school teacher. Additional children can only be admitted under limited exceptional circumstances. These children will remain ‘an excepted pupil’ for the time they are an infant class or until the class numbers fall back to the current infant class size limit. Further information about exceptional circumstances are detailed in paragraph 2.15 of the Code.

### **Other**

The Admissions Code also includes details about the following, and schools **must** ensure their own admissions criteria and application of them comply with these requirements:

- **Admission of Children below compulsory school age and deferred entry to school:** primary phase academies must provide for the admission of all children in the September following their fourth birthday and allow for this to be deferred until later in the school year and allow for children to attend part-time if their parents wish, but not beyond compulsory school age (paragraph 2.16 of the Code).
- **Admission of children outside their normal age group.** Each school’s admission arrangements must make clear the process for requesting admission outside of the normal age group. Decisions must be made on the basis of the circumstances of the case and in the child’s best interests. Page 25 of the Admissions Code gives further information (paragraph 2.17 of the Code).
- **Children of UK service personnel (UK Armed Forces).** Academies must accept a Unit postal address or quartering area address, accompanied by an official letter which includes a relocation date, when considering an application for a place against oversubscription criteria. A place cannot be refused because the family does not currently live in the area (paragraph 2.18 of the Code).
- **Children from overseas.** Applications for children coming from overseas must be treated in accordance with European Union law or Home Office rules for non-European Economic Area nationals. Further guidance can be found [here](#). Clarification on eligibility and provisions entitled to them, updated in Nov 2017, can be found [here](#).

## **Ensuring Fairness**

### **Children with challenging behaviour and those who have been excluded twice**

Academies must not refuse to admit children in the normal admissions round on the basis of poor behaviour elsewhere. However, where a child has been permanently excluded from two or more schools there is no need to comply with parental preference for a period of two years from the last exclusion. 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, and children with special educational needs statements or an EHCP.

### **Fair Access Protocols**

Each local authority will have a Fair Access Protocol to ensure that outside of the normal admission round unplaced children are offered a place at a suitable school as quickly as possible. Local authorities must ensure that no school is asked to take a disproportionate number of children who have been excluded from other schools or who have challenging behaviour. All United Learning academies **must** comply with local Fair Access Protocol arrangements.

### **Secretary of State’s power of direction**

Where a local authority considers that an academy 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. Whilst an agreement can usually be reached, 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.

## **Appeals and Objections**

### **Objections**

Objections to the admission arrangements of academies can be made to the [Schools Adjudicator](#) whose decisions are binding and enforceable. Any person or body who considers that an academy's admission arrangements are unlawful or not in compliance with the Code can make an objection to the Schools Adjudicator. Objections **must** be referred by 15 May in the determination year (the year before actual admission).

The role of the Schools Adjudicator is to consider whether admission arrangements comply with the law and the Code relating to admissions. The admission authority must, where necessary, revise their admission arrangements to give effect to the Adjudicator's decision with two months of the decision (or by 28 February following the decision, whichever is sooner), unless an alternative timescale is specified by the Adjudicator.

### **Right to Appeal**

When an academy informs a parent of a decision to refuse their child a place, it **must** also set out the reason why admission was refused, provide information about the right to appeal and the deadlines for this, and the contact details for making an appeal. Parents must also be informed that if they wish to appeal they must set out their case in writing.

The [Schools Admission Appeals Code](#) (Feb 2012) sets out information regarding admission appeal panels and is designed to ensure all admission appeals are conducted in a fair and transparent way. Responsibility for making arrangements for appeals against the refusal of a school place rests with United Learning as the academy trust, who in turn delegate this responsibility through the scheme of delegation to each academy's LGB.

Parent(s) (or children in relation to sixth form or once they have ceased to be of statutory school age) have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision. Each school's admissions policy must set out how parents can do this, either through contacting the local authority-arranged panel or through their own arrangements.

### **Arranging Appeal Panels**

All United Learning academies must either buy into the local authority run arrangements for Independent Appeal Panels or commission support from another specialist provider, such as [Clerks Associates](#). The Appeals Code sets out extensive membership and training requirement (paras x to y) which would make it very difficult for a single school, or even a cluster, to meet the stringent expectations in this regard. It remains the responsibility of the LGB to ensure whatever route is used complies with the Appeals Code.

### **Appeal Hearings**

Academies must set a timetable for the organising and hearing of appeals panels, which needs to be published on their website by 28 February each year. The timetable must include a deadline for

lodging appeals which **must** be at least 20 school days from the date of notification that their application was unsuccessful. At least 10 school days' notice should be given of the date of the hearing, and decision letters should be sent within 5 school days of the hearing, wherever possible.

The Appeal Code sets out further specific requirements on when appeals must be heard, which in the main are either 40 school days from the deadline for lodging appeals, or within 30 school days for in-year admission appeals, late applications or sixth forms when the offer would have been conditional upon exam results (paragraph 2.3 of the Appeal Code).

The Code includes considerable detail about how hearings should be run (paragraphs 2.5 to 2.27) and the decision making process (paragraphs 3.1 to 5.6). Whilst the clerk of the panel should be well versed in this detail, all academies should ensure they are familiar with the requirements when preparing their admission and independent panel arrangements.

Appeal panels **must** either uphold or dismiss an appeal and **must not** uphold an appeal subject to any specific conditions. A panel's decision that a child shall be admitted to a school is binding.

All notes and records of proceedings must be held by the school for a minimum of 2 years. Complaints about maladministration on the part of an appeal panel can be made to the Secretary of State, and appellants **must** be informed about the arrangements for making a complaint.

Appeals by the parent or child with a statement of Special Educational Needs or an EHCP are considered by the First-tier Tribunal, not a school admission appeal panel.

## Procedure

Each United Learning academy is responsible for determining and publishing their own admissions arrangements which must meet the requirements in this policy, the School Admissions Code, and wider relevant legislation.

United Learning is committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the United Learning Equal Opportunities policy. This policy is applicable to all members of the United Learning community and is available to all interested parties on the Hub. This document is reviewed annually or as events or legislation requires.

## Further Information

Sample policies or clauses can be obtained by contacting the relevant Director in the first instance.

Owner	Secondary Academies Team
Department responsible	Secondary Academies Team
United Learning Independent Schools/Academies/Both	Academies
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