

Naburn CE Primary School



Admissions Policy

Date of this Review: 9th November 2020

Date of FAR Meeting: 19th November 2020

Date next review is due: November 2021, or earlier if COVID restrictions change

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Updated November 2020

Update regarding proposed changes to regulations for appeals:

Subject to parliamentary approval, the DfE's new regulations for appeals, which will be in force until 31 January 2021, will:

- Disapply the requirement that appeals panels must be held in person.
- Give flexibility for panel hearings to take place either in person, by telephone, by video conference, or through a paper-based appeal where all parties can make representations in writing.
- Relax the rules to make it permissible for panels to continue with and conclude appeals as a panel of two if one of the three panel members withdraws temporarily or permanently.
- Amend the deadlines relating to appeals for the time that the new regulations are in force – any new or revised deadlines must be reasonable and at least 28 days from the date a notification of refusal of a school place was received by the appellant.

If these regulations are passed, we will update Section 4 (Admissions appeals) of this policy as soon as possible. Add the article to your 'Watch list' to be notified when we update it.

The DfE will not be removing any of the clerking duties for admission appeals; clerks carry out a key role in appeal hearings and provide advice on admissions law, as well as keeping an accurate record of proceedings.

The DfE will publish further guidance periodically to support admission authorities and local authorities in carrying out admission appeals under these regulations.

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Statement of intent

At Naburn CE Primary, we welcome all pupils, and places at the school are offered in an open and fair way. Our admissions process is delivered in line with the Equality Act 2010, the School Admissions Code, the School Admission Appeals Code, the Human Rights Act 1998 and the School Standards and Framework Act 1998.

The number of places available is determined by the capacity of the school, and is called the 'agreed admissions number'. Our published admissions number (PAN) is 12.

The table below sets out who the admission authority is and other responsible bodies in our school.

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 the school?
Voluntary controlled school	LA	Schools Adjudicator	LA

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1. Legal framework

1.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- Human Rights Act 1998
- School Standards and Framework Act 1998
- DfE (2014) 'School Admissions Code'
- DfE (2012) 'School Admission Appeals Code'
- **[Independent schools only]** The Education (Independent School Standards) Regulations 2014

1.2. This policy operates in conjunction with the following school policy:

- Data Protection Policy
- Equality Information and Objectives Policy

2. Roles and responsibilities

2.1. The admission authority is responsible for:

- Acting in accordance with the relevant legislation and guidance when carrying out the overall admission of pupils into the school.
- Linking to the admission arrangements published on the LA's website.
- Clearly communicating any reasons for rejecting the admission of a pupil, as well as the parent's right to appeal and the appeal process.
- Implementing any advice or recommendations given by the Schools Adjudicator without undue delay.
- Determining the admission arrangements on an annual basis and publicly consulting stakeholders on any proposed changes to the admission arrangements.
- Setting clear, fair and effective oversubscription criteria which do not discriminate against any pupil.
- Communicating oversubscription criteria clearly to parents.
- Notifying the LA of any in-year admissions and their outcomes.

2.2. The Schools Adjudicator is responsible for:

- Acting in line with the relevant legislation and guidance pertaining to admissions.
- Receiving concerns and objections regarding the admission of pupils and making recommendations to the admission authority as a result of these concerns and objections.

- Approving variations to determined admissions arrangements where there has been a major change in circumstances or law.

2.3. The appeals clerk is responsible for:

- Having an in-depth knowledge of the relevant appeals codes and other relevant law.
- Providing an independent and impartial service for admission appeals.
- Making the necessary administrative arrangements for hearings.
- Notifying all parties of the order of proceedings in advance of an appeals hearing.
- Responding to queries from appellants in advance of an appeals hearing or identifying who will be appropriate to respond.
- Being an independent source of advice on procedure and admissions law.
- Keeping accurate records of proceedings and providing written notification of the appeals panel's decisions.

3. Admissions

Determining a PAN

- 3.1. The number of places available is determined by the capacity of the school.
- 3.2. The PAN for new Reception pupils is 12.
- 3.3. The admission authority will consult with the governors where it proposes to increase or decrease the PAN – no consultation will take place if the PAN remains consistent.

Oversubscription criteria

- 3.4. The school will accept all pupils who name the school in their EHC plan. If it is unclear whether a child meets the oversubscription criteria, the admission authority may request proof of address. This proof will not include any of the information detailed in [3.42](#) of this policy.
- 3.5. When formulating their admission arrangements, the admission authority will not carry out the following:
 - Place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements
 - Take into account any previous schools attended, unless it is a feeder school
 - Give priority to children whose parents rank preferred schools in their application

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- Give priority to children based on any practical or financial support their parents give to the school or associated parties (including any affiliated religious organisation)
- Give priority to children according to the occupational, marital, financial or educational status of parents applying – apart from where these factors determine a child’s pupil premium eligibility, and for children whose parents work at school
- 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
- Discriminate against any protected characteristic
- Give priority based on a child’s or their parents’ past or present hobbies or activities
- Name fee-paying independent schools as feeder schools
- Interview children or parents
- Request financial contributions as part of the admissions process
- Request photographs of children – apart from for proof of identity when sitting selection tests

Catchment areas

- 3.6. The point within the school grounds from which the school will measure any distance or radii is the door of the school reception. This point will be used to determine the school’s catchment area. This should be measured using the child’s primary address.
- 3.7. The catchment area can be found on the CYC Guide to School Catchment Areas <https://www.york.gov.uk/downloads/file/3077/guide-to-school-catchment-areas>
- 3.8. The school will accept pupils from outside the catchment area

Siblings and children of staff

- 3.9. For the purpose of this policy, “sibling” is defined as any brother or sister related by blood or marriage and any fostered or adopted siblings.
- 3.10. For the purpose of this policy, “children of staff” refers to any children of staff who have been employed by the school for two or more years at the time at which the application was made, and where the member of staff has been recruited to fill a vacant post where there is a demonstrable skill shortage.

Selective criteria

- 3.11. The school will not establish admissions criteria that excludes individuals with a particular protected characteristic.
- 3.12. The admissions criteria will not exclude a greater proportion of pupils with particular protected characteristics, unless the school can justify how this is a proportionate means of achieving a legitimate aim.

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- 3.13. The admissions criteria will not discriminate against disabled applicants, unless the school can justify how this is a proportionate means of achieving a legitimate aim

Admissions procedures

- 3.14. The school will offer open events and school visits to all potential applicants, irrespective of any protected characteristics. Where necessary, the school will make reasonable adjustments for disabled applicants or disabled parents.

- 3.15. The school may assess its ability to cater to the applicant's needs by:

- Inviting the applicant to attend the school for half a day
- Visiting the applicant's home
- Visiting the applicant's current education provision

Consultation and determination

- 3.16. The admission authority will consult on any proposed changes to the admissions arrangements.

- 3.17. Consultation will last for a minimum of six weeks and will take place between 1 October and 31 January in the determination year.

- 3.18. The admission authority will consult on admissions arrangements at least once every seven years, even if no changes have been made in that time.

- 3.19. The admission authority will consult with the following:

- Parents of all pupils
- Stakeholders
- Other admission authorities within the relevant area
- The governors and the LA who are not the admission authority
- Neighbouring LAs

- 3.20. The admission authority will publish a copy of the full proposed admission arrangements and the contact details of the individual responsible for admissions liaison on the school website.

- 3.21. A copy of the proposed admission arrangements will be made available upon request.

- 3.22. Admission arrangements will be determined by 28 February in the determination year on an annual basis, even when no changes to the arrangements have been made.

- 3.23. Finalised admission arrangements will be published on the school website.

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3.24. Any objections to the admission arrangements will be directed to the Adjudicator by 15 May in the determination year.

Applications and offers

3.25. Parents will be provided with a common application form (CAF) where they will note their three preferred schools, along with a brief explanation, in rank order – the schools do not have to be located in the LA area where the parents live.

3.26. Parents will provide LAs with the following information within the CAF:

- Their name and their child's name and date of birth
- Theirs and their child's address and proof of residence

3.27. The CAF will be submitted to the parents' LA.

3.28. Parents are not guaranteed to have their preferences met.

3.29. The admission authority will request supplementary information for the purpose of processing applications where necessary; however, they will have due regard to [3.10](#) of this policy.

3.30. The admission authority will not request any of the following:

- Any personal details, including information on criminal convictions or financial status
- The first language of the parent or child
- Details about the parents' or child's disability, medical or SEND requirements
- Any parental agreement to follow the ethos of the school in a practical way
- For the child to complete any part of the form or for both parents to provide signatures

3.31. Once a place has been offered, the admission authority may ask for the child's short birth certificate as proof of birth date.

3.32. For PLAC and LAC, the admission authority will request a copy of the adoption order, child arrangements order or special guardianship order, and a letter from the LA confirming that the child was looked after immediately prior to the order being made.

3.33. A clear, fair and objective waiting list will be provided until 31 December of each year. Priority will not be given to pupils based on the date they were placed on the list. LAC and PLAC will take priority over the waiting list.

3.34. An offer will only be withdrawn if it has been made in error, a parent has not responded within 20 working days, or if the offer was made via a fraudulent or misleading application.

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- 3.35. If any application is found to be fraudulent after a child has started at the school in the first term of the new academic year, the school may withdraw the place. If the fraudulent application is found after this time, the pupil will not be removed.
- 3.36. **[Primary schools only]** All offers will be made on National Offer Day, i.e. 16 April or the next working day.
- 3.37. The admission authority will maintain a waiting list for oversubscribed schools.
- 3.38. The admission authority will make clear in the admissions arrangements the process for requesting admission outside of the normal age group for the admissions round.
- 3.39. The headteacher will assist the admission authority with deciding on which year group a child will enter. Once a decision has been reached, the child's parents will be informed in writing along with an explanation of how the decision was reached and any reasons why.
- 3.40. Pupils not of usual school age will not be given less of a priority where the school is over subscribed.
- 3.41. Applications for children coming from overseas will be treated in accordance with EU law or Home Office rules.
- 3.42. For children of UK service professionals, the following procedure will be adhered to:
- A place will be allocated to the child in advance of the family arriving in the area named in the application form.
 - The application must be accompanied with an official letter confirming the relocation date and the service unit's postal address or quartering area address when considering the application against the oversubscription criteria.
 - The application will not be refused on the grounds of the child not currently living in the area, nor will places be uniquely reserved.
- 3.43. The arrangements for service children will be in line with the government's commitment to removing disadvantage for service children.

4. Admissions appeals

- 4.1. When informing a parent of their unsuccessful admissions application, a letter will be sent which includes 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.
- 4.2. Parents will be informed in the letter that, if they wish to appeal, they must make the appeal in writing.

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- 4.3. Grounds for appeal are not limited.

Constitution of appeals panels

- 4.4. The admission authority and the appeals panel will act in accordance with all relevant legislation and guidance.
- 4.5. The judicial function of the appeals panel will be transparent, accessible, independent and impartial, and will operate in accordance with the principles of natural justice.
- 4.6. A clerk will be appointed to the appeals panel who is independent of the school and the education functions of the LA.
- 4.7. The appeals panel will comprise a chair and at least two other panel members. The panel will also include at least one lay person and a person who has experience in education.
- 4.8. The chair of the appeals panel is responsible for the conduct of the hearing, including introducing parties, explaining individual roles and how the hearing will be conducted, and ensuring that parties have sufficient opportunity to state their case and ask questions.
- 4.9. Panel members will be independent from the school and will remain independent for the duration of their service.
- 4.10. The clerk is responsible for assigning members of the appeals panel; however, they will not assign the following disqualified persons:
- A member of the LA which is the admission authority or in whose area the school is located
 - A member or former member of the governors of the school
 - An employee at the LA or governors of the school, other than a teacher or TA
 - Any person who has, or at any time has had, any connection with the admission authority, school or LA who may not act impartially
 - Any person who has not attended training required by the admission authority arranging the appeals panel
- 4.11. There will be three members of the panel available at all times during the appeals process. If any member has to temporarily withdraw, the hearing will be postponed until the panel member returns. If the panel member is unable to return, they will be replaced, and the appeals will be reheard.
- 4.12. Appropriate training will be given, funded by the admission authority, to all panel members and clerks before they take part in a panel hearing. As a minimum, this training will include:
- The law relating to admissions.

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- The panel's duties under the Human Rights Act 1998 and the Equality Act 2010.
 - Procedural fairness and natural justice.
 - The roles of specific panel members, e.g. the chair.
- 4.13. Members of the appeals panel will receive travel and subsistence allowances where applicable, and will be compensated for any loss of earnings or expenses.
- 4.14. The rate of payment is set by the LA and has due regard to the recommendations of the remuneration panel.
- 4.15. The appeals panel must not have a vested interest in the outcome of the hearing.
- 4.16. The admission authority will indemnify the members of the appeals panel against any legal costs and expenses they incur in connection with any decision taken in good faith whilst acting as a member of the appeals panel.

Appeals hearings

- 4.17. The admission authority will publish an appeals timetable on their website by 28 February each year. The timetable will comply with section three of the 'School admission appeals code'.
- 4.18. Appeals will be lodged and heard for the **normal admissions round** within 40 school days of the deadline for lodging appeals.
- 4.19. For **late applications**, appeals will be heard between 30-40 school days of the appeal being lodged.
- 4.20. For **in year** admissions, appeals will be heard within 30 days of the appeal being lodged.
- 4.21. **[Sixth forms only]** Appeals will be heard within 30 school days of confirmation of exam results where an offer was conditional, or 40 days where a place is not conditional upon exam results.
- 4.22. Admission authorities will provide appellants with written notification of the date and all final arrangements of the appeal hearing, including a deadline for the submission of any further evidence that was not sent in the original appeal.
- 4.23. The admission authority will comply with any request for information to help parents prepare their case for the appeals hearing.
- 4.24. All evidence relating to the appeal hearing will be passed on to the clerk, including the admission process, reasons for the decision and how the admission would cause prejudice to the education provision of the school.

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- 4.25. The clerk will send all the papers required for the hearing to both parties and the members of the panel seven days before the hearing.
- 4.26. The presenting officer will be responsible for relaying to the attendees the decision not to admit the child, and answer questions where necessary.
- 4.27. Appellants may attend in person or be represented by another individual. Where appellants cannot attend, a decision will be made based on the written evidence.
- 4.28. Appeal hearings must be private and held in an accessible location. The order of the appeals will be:
- Case for the admission authority.
 - Questioning by the appellant(s) and panel.
 - Case for the appellant(s).
 - Questioning by the admission authority and panel.
 - Summing up by the admission authority.
 - Summing up by the appellant(s).
- 4.29. Multiple appeals will be heard, either individually or in groups, by the same appeals panel where appropriate.
- 4.30. Notes of the hearing will be made and kept securely by the admission authority for a minimum of two years. These notes are, in most cases, exempt from disclosure under the Freedom of Information Act 2000 and the Data Protection Act 2018.

Reaching a decision

- 4.31. When reaching a decision, the admission authority will have due regard to section three of the 'School admission appeals code'.
- 4.32. Appeals decisions will either be upheld or dismissed – there will be no conditional decisions made, in line with section 94(6) of the School Standards and Framework Act 1998.
- 4.33. The final decision will be decided by a simple majority. If votes are split equally, the chair will make the casting vote.
- 4.34. The final decision and accompanying reasons will be communicated in writing to the appellant, admission authority and the LA.
- 4.35. The decision letter will be signed by the clerk or chair of the appeals panel and sent no later than five school days after the decision has been made.
- 4.36. If a child has been refused admissions due to any SEND, this will be considered by the First-tier Tribunal (SEND) and not the appeals panel.

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- 4.37. The admission authority will have due regard for the two-stage process outlined in the 'School admission appeals code' when negotiating appeals regarding infant class sizes.

Complaints

- 4.38. Appellants do not have the right to more than one appeal in respect of the school for the same academic year unless, in exceptional circumstances, the admission authority has accepted a second application from the appellant due to a material change in the circumstances of the parent, child or school but still refused admission.
- 4.39. Appellants can apply for a place at the school for a different academic year.
- 4.40. If appellants have an issue with the appeal process, they can complain to the Local Government Ombudsmen.

5. Monitoring and review

- 5.1. This policy will be reviewed by the governors on an annual basis, initially at the Finance and Resources Committee meeting.
- 5.2. Any changes to this policy will be communicated to all staff and other interested parties.
- 5.3. The next scheduled review date for this policy is November 2021.

[Updated] Admissions Arrangements and Appeals During the Coronavirus (COVID-19) Pandemic

[This appendix has been created in line with the DfE's '[Changes to the admission appeals regulations during the coronavirus outbreak](#)', and their '[Changes to school admission appeals due to coronavirus](#)' guidance.]

Statement of intent

During this difficult period, we are committed to fulfilling our statutory duties without disruption – this includes taking steps to ensure our admission appeals procedure can continue.

In accordance with the government's emergency regulations which temporarily revise the relevant regulations, the school has made the necessary amendments to our Admissions Policy.

This appendix outlines how the school manages admissions appeals during the coronavirus (COVID-19) pandemic, in line with the government's new guidance.

1. Legal framework

- 1.1. This policy has due regard to all relevant statutory guidance and legislation, including, but not limited to:
 - DfE (2012) 'School Admission Appeals Code'
 - DfE (2020) 'Changes to school admission appeals due to coronavirus'
 - DfE (2020) 'Changes to the admission appeals regulations during the coronavirus outbreak'

2. Application of these arrangements

- 2.1. The admission authority will ensure the appeals panel understands the temporary regulations and how the chosen process will work, e.g. by telephone or video conference.
- 2.2. The temporary regulations will apply until 31 January 2021, and apply to:
 - Any appeals lodged between that date and 31 January 2021.
 - Appeals that were already lodged before 24 April 2020 but have not yet been decided.
- 2.3. Once the temporary regulations cease to apply, the school will revert to implementing the procedures in the main body of this Admissions Policy.
- 2.4. Appeals lodged before 31 January 2021, but that are heard after this date will not be prejudiced by the expiry of the temporary regulations.

3. Appeals

The admission authority will prepare for appeals to be conducted in the normal way after the end of January 2021, and the relevant timetables for 2021 will be prepared in the normal way and published by 28 February 2021.

- 3.1. When the admission authority informs a parent of a decision to refuse their child a place, the admission authority will include the following information:

- The reason why admission was refused
 - Information about the right to appeal
 - The deadline and contact details needed to make an appeal
 - That parents will need to set out their grounds for appeal in writing
- 3.2. The deadline for lodging an appeal will be at least 28 calendar days from the date the notification of refusal was sent to the parent.
- 3.3. All deadlines for the hearing of appeals will be heard as soon as reasonably practicable.
- 3.4. Appeal deadlines have been amended to allow appellants (parents) more time to lodge an appeal – these updated deadlines are:
- 28 calendar days' written notice of a new appeal deadline.
 - 14 calendar days' written notice of an appeal hearing (although appellants can waive their right to this).
- 3.5. Where possible, decision letters will be sent within 7 calendar days of the hearing.

4. Membership of the appeals panel

- 4.1. During the ongoing pandemic, members of the appeals panel will only be appointed if they have, or can be provided with, the necessary equipment and facilities.
- 4.2. Admissions panels are made up of at least three people. In the event a member of the panel has to withdraw due to the coronavirus, e.g. they are required to self-isolate, the remaining two members will continue to consider and determine the outcome of the appeal regardless of their background.
- 4.3. If a panel member withdraws, the clerk will make a note of the reasons for their withdrawal in the record of the proceedings.
- 4.4. If the chair of the appeals panel withdraws, the admission authority or clerk (on behalf of the admission authority) will appoint a new chair from the existing appeals panel.
- 4.5. In the event more than one member of the panel withdraws and leaves only one member, new panel members will be appointed so that the panel is constituted in the normal way. Where this has happened, any part-heard appeals will be reheard.

Training of the panel

- 4.6. Where it is not possible for panel members to undergo full training, e.g. if it is delivered in face-to-face sessions, the admission authority will find alternative ways of ensuring training can be completed in accordance with section 1.10 of the 'School Admission Appeals Code'.
- 4.7. The admission authority will ensure the panel and clerk have a full understanding of the temporary regulations and how the new process will work.

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5. Appeals hearings

- 5.1. The chair of the appeals panel will ensure that all appeals, whether conducted remotely or not, are private, that all parties can hear everything that is said, and that all parties have an equal chance to participate.
- 5.2. Appeal hearings will be conducted via telephone or video conference or, where this is not possible, they will be conducted entirely based on written submissions.
- 5.3. Appeals panels can only hold appeals hearings remotely if they are satisfied the following criteria are met:
 - The parties will be able to present their cases fully
 - Each participant has access to video or telephone facilities allowing them to engage in the hearing at all times
 - The appeal hearing can be heard fairly and transparently
- 5.4. The clerk to the appeals panel will contact appellants as soon as possible after receiving their appeal to explain the temporary arrangements in place – where possible, the clerk will contact the appellant by phone.
- 5.5. Before appeals are conducted via video conferencing software, the chair of the appeals panel will consult the headteacher regarding the security and privacy terms and conditions of the platforms being used. All necessary security features will be utilised before appeals take place.
- 5.6. If the officer presenting the case for refusing the admission does not attend the meeting, the appeals panel will consider the case using the evidence submitted by the admission authority so long as the panel is satisfied that doing so will not disadvantage the appellant.
- 5.7. In the event that the appellant does not participate in the meeting, and it is impractical to rearrange, the appeals panel will review the written information submitted.
- 5.8. Appellants will retain the right to be represented or accompanied by a friend even during a remote hearing.
- 5.9. Where necessary, reasonable adjustments will be made in accordance with the Equality Act 2010. The clerk is responsible for recording all requests for reasonable adjustments as part of the appeal record.

6. Appeals decided on written submissions only

- 6.1. The following process will be used to when making a decision on an appeal on the basis of written submissions only:
 - The clerk will contact the appellant and presenting officer in line with the appeals timetable. The presenting officer should be provided with a copy of the appeal lodged and asked to submit the admission authority's evidence – the appellant should be given the opportunity to submit additional evidence in writing (preferably email) if they wish.

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- The panel and clerk should meet remotely, e.g. by telephone, to formulate questions for the appellant and presenting officer.
- The clerk sends the questions and all relevant documents to each of the parties, e.g. the appellant receives the presenting officer's submission and vice versa.
- The appellant and presenting officer should reply to all the questions and add any additional points they wish to make. Once these answers have been sent back to the clerk, the clerk will send them on to the other party. Any information not submitted by the relevant deadline may not be considered.
- The panel meets remotely to discuss the answers and considers all the information in order to reach their decision.

7. Appeals by the governors against LA decisions to admit twice-excluded children

7.1. The governors will make appeals (in writing) against LA decisions to admit twice-excluded children within 21 calendar days after the day it is given notice of the decision.

7.2. Appeals by the governors will be heard remotely where necessary.

8. Maladministration complaints

8.1. If a parent believes they have evidence of maladministration, their complaint will be heard in line with the normal procedures and section 5 of the 'School Admission Appeals Code'.

9. Monitoring and review

9.1. To ensure it remains up-to-date, this policy will be reviewed by the headteacher in accordance with any updates to relevant local and national guidance.

9.2. Any amendments made will be communicated to all relevant stakeholders.

9.3. An electronic version of the updated policy will be made available on the school's website.

Further COVID Addendum added November 2020:

All school visits will be conducted by Zoom until further notice, due to DfE restrictions on visitors to schools during National Lockdown.

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Updated November 2020