



## POLICY & PROCEDURES

**VERSION: FINAL FEBRUARY 2018**

(Affecting mid-term transfers from August 2019 onwards and  
Secondary transfers for entry in September 2019)

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## **1. Principles**

1.1 The following principles should be applied in a manner consistent with Leicestershire's continuing commitment to comprehensive community education and the curriculum statement to the benefit of all pupils/students. These principles do not apply to Academies, Studio Schools, Free Schools or those who are their own admitting authority unless the Academy, Studio School.

1.2 Swallowdale's admissions policy should:

- i. Offer clarity regarding legal requirements and statutory guidance.
- ii. Identify different types of provision and associated requirements.
- iii. Seek to encourage partnership and avoid conflict at a local and an authority level.
- iv. Maintain parental rights and ease the process of admission for parents and children.
- v. Aim for one consistent first-time admissions date to mainstream education.
- vi. Ensure that extension of provision is a long-term commitment and not at the expense of other local provision.
- vii. Confirm that funding must not be used for groups of pupils outside the designated age- range:
  - ~ Nursery
  - ~ Infants: 4+ to 6+
  - ~ Junior: 7+ to 10+
  - ~ Secondary High: 11+ to 13+
  - ~ Secondary Upper: 14+ to 18+
  - ~ Secondary (all through) 11-16/11-19

1.3 School Admissions at the normal round are as follows:

- ~ a place in the catchment area school (dependent on the parent applying at the appropriate time, on compliance with infant class size regulations and the school admission number);
- ~ where possible a place in a preferred school if there is room;
- ~ entitlement to be considered according to the same priority criteria as other children where the preferred school is oversubscribed.

## **2. Legal Position & Other Requirements: Summary**

2.1 The Local Authority is the admissions authority for community and voluntary controlled schools. There is a minimum 6-week consultation period each year between 1<sup>st</sup> October and 31<sup>st</sup> January. Parents and local groups with an interest in the local area must be consulted. Consultation need only take place every seven years unless arrangements are not the same as in the previous consultation. [The Governors are the admissions authority for Voluntary Aided, Foundation, Free, Studio and Academy Schools and must consult as required and publish their admissions policy.]

2.2 The Local Authority is required to coordinate admissions for all residents in its area. To this purpose it must have an approved scheme for coordination.\*

\* Co-ordination includes first-time admission, secondary transfer and mid-term (in-year) admissions.

2.3 Governing Body responsibilities for community and controlled schools consist of being consulted once every seven years, even if there is no change (before publication of admission arrangements) and may request the Local Authority to alter the school's admission number. There is no need for such schools to establish an admissions committee to consider individual admissions decisions; as such, decisions are the responsibility of the Local Authority.

2.4 The Local Authority has a duty to provide school places for all pupils resident in its area. Leicestershire achieves this by giving high priority to catchment area children, and by allowing parental preference wherever possible.

2.5 Parents have a right to express a preference for a school place, including where the child has an Education, Health & Care Plan. Parents must ensure suitable full-time education for their children by attendance at school or otherwise; they are not obliged to do this before the child has reached compulsory school age.

2.6 Compulsory school age is from the term immediately following a child's 5<sup>th</sup> birthday, this means:

~ a child turning 5 in the Autumn term must start school no later than from the start of the Spring term;

~ a child turning 5 in the Spring term must start school no later than from the start of the Summer term;

~ a child turning 5 in the summer term must start school no later than the following Autumn term (Leicestershire paragraph 4.15 applies for summer born children).

The School Leaving Date for 16 year-olds is the last Friday in June in the school year in which the child becomes 16.

2.7 Each school has an Admission Number (AN) for each of its year groups. If this number needs to be altered, in some cases statutory notices must be published to allow interested parties to make representations.

2.8 The Local Authority or school cannot argue that a child should not be admitted unless the admission would prejudice the efficient use of resources or efficient education: this normally means that the Admission Number (AN) must have been reached.

2.9 The Local Authority must allocate spare places in schools according to objective and published priority criteria. The Greenwich Judgement means that children from other Authorities must be treated in the same way as Leicestershire children. The Rotherham Judgement disallows priority being given to parents who do not express a preference over those who do.

2.10 Parents whose preferences are refused have a right to appeal to an Independent Appeal Committee whose decision is binding, except for children with Education, Health & Care Plans whose parents can appeal to the Special Educational Needs Tribunal. Pupils admitted following appeal to community and voluntary controlled schools will have their admission confirmed by the Local Authority (this is because the Admitting Authority has been directed, in effect, to admit the pupil in these circumstances).

2.11 The Local Authority has a statutory power to direct the admission of a pupil to a maintained school (i.e. community, voluntary, or foundation).

- 2.12 There are differing premises requirements for children of different ages: these are laid out in the relevant regulations.
- 2.13 There are no required staffing ratios for junior and secondary age children in education law. Headteacher and teacher associations may issue guidelines on staffing levels. For young four-year-olds, e.g. in 4+ units and nursery, the Local Authority requires a ratio of 1:15. Legislation and regulation on infant class sizes requires an upper limit of 30 children per qualified teacher for infant classes, with specified exceptions.
- 2.14 Department for Education guidance on admissions and appeals is contained in two Codes of Practice.

### **3. Nurseries (Mainstream, Local Authority Maintained)**

- 3.1 There is only one maintained mainstream nursery in Leicestershire. Admissions to the designated nursery (this does not include 4+ units) are managed by the school and are the responsibility of the Governing Body.
- 3.2 Children must not be admitted until after their third birthday.
- 3.3 Admission to the nursery must be based on objective criteria drawn up by the Governing Body, published in the prospectus and made known to the School Admissions Service, giving details of age for admission, places available, times, provision, and activity. For example the criteria could include the following, in some form of priority order:
- ~ age;
  - ~ children whose parents reside in the catchment area of the school;
  - ~ children who have siblings in the school or the group;
  - ~ children whose parents can demonstrate that the child has particular needs which make their request for admission exceptional;
  - ~ some form of tiebreaker (such as distance between home and school) or waiting list if there are too many requests.
- 3.4 Policy statements and correspondence to parents must make it clear that attendance at the nursery does not give a subsequent entitlement to a school place. Before children are admitted to main school, parents must write to the School Admissions Service requesting a place: there is a standard form for this.
- 3.5 If a parent complains about refusal of a place for their child in the nursery, the Governing Body must have a mechanism for responding to the complaint.

### **4. First Time Admissions to Mainstream Primary or Infant Schools and Infant to Junior Transfers**

- 4.1 This section refers to first-time admissions (4+ entries) to primary/infant schools and the transfer process from infant to junior school which applies to Leicestershire residents only.
- 4.2 Parents must apply to their home local authority for a school place. The best way to apply is by applying online through Leicestershire County Council's website. All requests received by the relevant closing date (*please see co-ordinating scheme for dates*) will be considered first and in accordance with the approved priority criteria. All late applications receive the lowest priority.
- 4.3 The Local Authority that you live in will confirm places from the national offer date 16<sup>th</sup> April to pupils. No child should be admitted without an offer from the Local Authority you live in; and this is regardless of whether the child lives in the catchment area or otherwise and regardless of whether the child has attended a nursery or pre-school group at the school.

- 4.4 For those pupils who do not live in Leicestershire, the School Admissions Service will inform the relevant Local Authority who will in turn inform the parents of Leicestershire's decision.
- 4.5 Places will normally be allocated up to the Admission Number (AN), with careful consideration being given to the relationship between admission limits and infant class sizes requirements.
- 4.6 It is recognised that some parents are unaware of the need to apply for a school place at first-time admission stage. The Admissions Service in response to this issue launches an annual marketing strategy to publicise and alert parents to the need to complete an application expressing up to three preferences for a place in advance of expected admission.
- 4.7 In this way, it allows the Local Authority, an opportunity to make clear to parents their further rights (e.g. transport).
- 4.8 Date of admission for all infant and primary schools is from the September immediately following a child's fourth birthday i.e. all children who have turned 4 before the end 31<sup>st</sup> August. The same start date applies to those transferring from Infant to Junior i.e. from September immediately following their 6<sup>th</sup> birthday.
- 4.9 Children should not be attending before these times but for exceptional pre-admission visits. If pre-admission visits take place before the School Admissions Service has confirmed places, parents of these children must be informed that this does not guarantee admission to the school. Pre-admission visits should only take place in the term before the child is admitted to school and should not exceed more than two half days per week. Such sessions are not funded.
- 4.10 All schools under the control of Leicestershire County Council have a single start for first time admission at 4+. However parents must ensure full-time education for their child from compulsory school age, from 5+.
- 4.11 Infant Class Size Limits, Multiple Birth Children and Permitted Exceptions (Primary and Secondary)
- In compliance with the relevant regulations, an infant child (i.e. up to and including Year 2) who moves into a school's area once initial allocation decisions have been made, will not necessarily be offered a place in the school if the relevant class will already contain 30 children or if an alternative school with space available in the relevant year group within 2 miles of the home address is identified. If not, the child will be an excepted pupil in the catchment school, allowing the class to exceed 30 pupils (subject to proof of residence – see para 13.38).
- 4.12 This section does not apply to late in-catchment applicants, who may not be offered catchment places if the infant class is at 30, ie those who have applied late, having lived within the catchment area for more than 90 days. (The school's AN would also need to be taken into account in these circumstances.)
- 4.13 In the unusual event of there being one space available within the infant class size limit, children of multiple births are permitted exceptions to the class size limit in these circumstances.

In addition, all the following are also considered as exception to the class size limits:

- those children who are in the care of a Local Authority (including previously in care);

- children with an Education, Health & Care Plan (including those receiving part of their education by arrangement at another school or in an infant class part-time);
- movement into catchment where there is no other available school within a reasonable distance from the home address (where the reasonable distance is a walking route that is 2 miles for primary);
- if a recognised error was made during the implementation of the school admission arrangements;
- those admitted by an independent appeal panel;
- children of service personnel (e.g. Army children).

Permitted class size exceptions will remain exceptions for the duration of Key Stage One. In addition, schools will no longer have to take qualifying measures in such circumstances.

#### 4.14 **Admission of children below compulsory school age and deferred entry**

Upon notification of a school place being offered, a child is entitled to a full-time place in the September following their fourth birthday.

The date the child is admitted to the school can be deferred until later in the school year or the child can attend part-time, but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which the original application was made.

To defer a place at first time admission, parents are asked to inform the school where the child has been allocated school place.

By not attending the beginning of the final term of the school year for which the original application was made may require you to make a new application.

#### 4.15 **Admission of children outside their normal age group**

Parents may seek a place for their child outside of their normal age group for example, if the child is gifted and talented or has experienced problems such as ill health.

Parents of a summer born child, that is those children born from 1st April to 31st August may choose not to send their child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group, for example, to reception rather than year 1.

To request a delayed entry parents are required to make an application for their child's admission to their normal age group at the usual time in accordance with this policy and at the same time to submit a request to the admission authority for admission out of the normal age group. Further information about the process will be provided to parents upon their request for admission outside of normal age group or by contacting the School Admissions Service.

Decisions will be made by the Admissions Authority on the basis of the circumstances of each case and in the best interests of the child concerned. This will take into account parents' views, information about the child's academic, social and emotional

development, where relevant their medical history and any views of a medical professional, whether they have previously been educated outside of their normal age group and whether they may have fallen in to a lower age group if the child was not born prematurely . The views of the Headteacher of the school concerned must be taken in to account. Decisions made by the Admissions Authority will be clearly set out.

When informing a parent of the decision on which year group the child should be admitted to, the reason(s) will be given.

Where the admitting authority agrees to the parent's request for their child to be admitted to a year out of their normal age group, it will be necessary for the parent(s) to apply again for a place at the appropriate time, and as a consequence the child will be admitted to a relevant age group (the age group to which pupils are normally admitted to the school). The Local Authority (and admission authority if it is not the local authority) will process the application as part of the main admissions round unless the parental request is made too late for this to be possible and on the basis of determined admission arrangements only including the priority criteria when this applies.

One admission authority cannot be required to honour a decision made by another. Upon transfer, it will be a matter for that admission authority. Decisions will be made by the Admission Authority regarding the parental request for admission out of normal age group in time for parents to make an informed decision about whether their child will start school before compulsory school age. An application will not be given a lower priority on the basis that the child is being admitted out of their normal age group.

Parents' statutory right to appeal against or refusal of a place at a school for which they have applied does not apply if they are offered a place at the school but it is not their preferred age group.

## **5. Secondary School Admissions (not sixth form)**

- 5.1 Only the Local Authority can confirm secondary school places to pupils, whether the child lives in the catchment area or otherwise. For any admission or transfer the parent must complete the Local Authority's online Common Application Form (paper forms are available on request). The School Admissions Service will need to check for factors such as exclusions or Education, Health & Care Plan, and will endeavour to process applications promptly. No child should be admitted without an offer from the Local Authority where you live.
- 5.2 Schools receive lists of pupils expected to transfer in advance of admission.
- 5.3 All requests, in-catchment and out-catchment, must be referred to the School Admissions Service.
- 5.4 Places will normally be allocated up to the Admission Number (AN), but for exceptions see the section on exceeding the AN.
- 5.5 Pupils admitted following appeal would have their admission confirmed by the Local Authority (the Local Authority having been directed, in effect, to admit the pupil in these circumstances).

## **6. In-Year (mid-term) Transfers (all year groups)**

- 6.1 All mid-term transfer requests (in-catchment included) will be co-ordinated through the School Admissions Service for approval before admission takes place.



- 6.2 Before applying parents are encouraged to arrange to visit the school they wish to apply for after which the parent should complete the Local Authority's online Common Application Form (paper forms are available on request).
- 6.3 The aim, wherever possible, is to always process mid-term applications within 10-15 working days (5 days if child is indicated as in care or previously in care). Delays may occur where further evidence or proof is required i.e. proof of house purchase, tenancy agreement, fair access information for complex or out of authority applications etc.
- 6.4 Where the mid-term application is made through the Local Authority the decision letter will either offer the place or refuse the place because the school is full. A refusal letter will also explain to the parent their right to appeal, and how they should do this.

## **7. Sixth Form Admissions**

- 7.1 Children above compulsory school age have a right to apply and appeal for any school place independently of their parents.
- 7.2 Schools have delegated control of their own sixth form admissions. However, this is within the broader context of the local authority's policy and role as the admissions authority.

Schools must make clear their arrangements for sixth form admissions. An admission number for 6<sup>th</sup> form must be set if external candidates are to be considered. The admission number must relate only to those being admitted to the school for the first time. It should be based on an estimate of the minimum number of external candidates likely to be admitted, although it would be acceptable to exceed this if demand for available courses can be met.

- 7.3 The school must make clear and publish any minimum entry qualifications, which can include a level of attainment in GCSE and must be the same for internal and external applicants and any over-subscription criteria. Entry requirements may vary from course to course. Entry requirements and over-subscription criteria must be notified to the local authority.
- 7.4 Children already in the school need not apply formally for places in the 6<sup>th</sup> form. Any applicant refused a place has the right to appeal to an independent appeal panel. The local authority will not be able to present cases in appeal if the conditions of the School Admissions Code, the local authority's policy and the school's entry requirements or over-subscription criteria have not been applied properly. Where the local authority cannot present a case in appeal, it will normally instruct the school to admit the child.

## **8. Parental Preferences & Criteria used for Prioritising Admissions to Schools**

- 8.1 Application forms for school places allow parents to express up to three preferences for school places. Parents should rank their preferences, so that if more than one preference can be agreed the one which the parent wants most is offered. However, the Local Authority considers all preferences to have equal value, e.g. one parent's first preference and another parent's second or third preference are to be considered equally against the admissions criteria. Requests for community and voluntary controlled schools are prioritised according to the admissions criteria below. (Requests for voluntary aided and foundation schools are considered against the individual school's admissions criteria and this is done by the schools themselves.) Late applications receive the lowest priority, i.e. they are only considered after all other applications which were received on time, unless there is a significant reason for lateness (see separate section on late requests).

**9. Priority Criteria for Entry Autumn 2019 Admissions and Mid-term Applications during 2019/2020 Academic Year**

9.1 For all children whose Education, Health & Care Plan (EHCP) names a school, they must be admitted regardless of the criteria below.

If there are too many requests, priority will be given to children, whose parents applied on time, in the following order (see note i below):-

<b>1<sup>st</sup></b>	Children who are in public care and those children who were previously looked after children. <i>(See note ii.)</i>
<b>2<sup>nd</sup></b>	Pupils who live in the catchment area. <i>(See note iii.)</i>
<b>3<sup>rd</sup></b>	Pupils who will have an older brother or sister attending the same school at the same time. <i>(See notes iv and v.)</i>
<b>4<sup>th</sup></b>	Pupils who have a serious medical condition or exceptional social or domestic needs that make it essential they attend the school requested. (Professional documentation confirming the situation must be submitted with the application.) <i>(See note vi.)</i>
<b>5<sup>th</sup></b>	Pupils who will have attended a feeder school for at least two years before the time of transfer. <i>(See note vii)</i>
<b>6<sup>th</sup></b>	Pupils starting at an infant school with a sibling attending at the same time in the linked junior school <i>(see note iv.)</i> or Pupils transferring to high school who will have an older brother or sister attending the linked upper school at the same time. <i>(See note iv.)</i>
<b>7<sup>th</sup></b>	Pupils basing their application on grounds of 'belief'. <i>(See note viii.)</i>
<b>8<sup>th</sup></b>	Pupils living nearest to the school measured in a straight line distance (home to school front gate). <i>(See note ix.)</i>

**Notes:**

- i. Combinations of the above criteria are used where appropriate, in priority order.
- ii. 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) at the time of making an application to a school. Previously looked after children (including those previously in care outside of England) are children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order Section 19 or special guardianship order).
- iii. The child's place of residence is taken to be the parental home. Living in the catchment area does not guarantee you a place at your catchment school.
- iv. The term "brother or sister" includes half brother or sister or legally adopted child being regarded as the brother or sister.
- v. Regarding brothers or sisters who will be of sixth form age, these are counted as brother/sister connections for criteria 3 or 6 above.
- vi. If criterion 4 is used, professional supporting documentation from the Lead

Professional must be supplied and must be submitted with the application. The following list are the areas that are considered exceptional:-

- Crown Servants
- Children subject to Child Protection Plans
- Hard to Place children – who fall under the Fair Access Protocol
- Parents suffering domestic violence (This is dependent on documentary evidence by a lead professional)
- A child for who transfer to the catchment area school would involve attending a different school until he/she is the right age for transfer. (This is dependent on the child having attended the present school for at least a year.)

Each case will be assessed on its individual merits.

- vii. For criterion 5 above, the child must have been enrolled at the feeder school on or before the start date of the Autumn Term two years before transfer.
- viii. Criterion 7 above only applies to the schools below, a letter of support from your Minister, Religious Leader or Belief Leader will be required explaining how the school caters for your faith or Belief system:

Blaby Stokes C of E Primary	Broughton Astley Orchard C of E Primary	Castle Donington St Edward's C of E Primary	Coalville All Saints C of E Primary
Cossington C of E Primary	Fleckney C of E Primary	Hinckley St Mary's C of E Primary	Husbands Bosworth C of E Primary
Ibstock St Denys C of E Infant	Long Whatton C of E Primary	Measham C of E Primary Quorn St	Bartholomew's C of E Primary
Swannington C of E Primary	Swithland St Leonard's C of E Primary		

- ix. For criterion 8 above, measurement of distance is in a straight line from the centre point of the property to the school's main designated front gate, using a computerised mapping system (Geocoding). Where there is equal distance then lots will be drawn, supervised by an independent officer.

## **10.0 Out-of-Catchment Requests and Admissions**

- 10.1 Parents should be encouraged to visit both the catchment and the preferred school, in order to make informed judgements.
- 10.2 When a parent approaches a school for an out-of-catchment place, the Headteacher (and other staff):
  - ~ suggests that the parents visit the catchment school;
  - ~ informs them that if they still wish to apply to the preferred school, they must request this in writing to the School Admissions Service.

School Admissions Service on receiving a request outside the normal transfer cycle:

- ~ contacts the requested school to confirm numbers in relevant year groups;
- ~ may suggest to parents that they visit the preferred school;
- ~ allocates a place at a later stage if there is space available within AN for the relevant

year group in the preferred school.

During the main period when parents are considering transfer requests, the School Admissions Service will endeavour to keep schools aware of possible numbers. It is helpful if schools can maintain contact with the School Admissions Service at this time.

## 11. Exceeding the Admission Number (AN)

- 11.1 At the point of first-time admission and secondary transfers, if there are more requests for in-catchment children than the admission number (AN), the AN will not usually be exceeded, except in exceptional circumstances (see paragraphs 4.11, 4.13, 11.3 and 11.4 below). If there are more requests for places than available within the AN, places will be allocated up to the AN in accordance with the priority criteria. All other outstanding requests will be refused subject to the provisions relating to exceptional circumstances (see paragraphs 11.3 and 11.4).
- 11.2 For applications made outside of the normal admissions round (e.g. mid-term applications) where the AN has been reached, applications will be refused, subject to paragraphs 11.3, also see section – *Arrivals in Catchment and Late Applications*.
- 11.3 In certain exceptional circumstances the Local Authority may determine that the AN can be exceeded or varied, whether on its own initiative or at the request of the school. In such circumstances:
- (a) Parents submit their application in the usual manner;
  - (b) Where the school wishes to request consideration of admission in exceptional circumstances or variation to the AN, they must make a written request to the Admissions Service.

Where the decision to exceed or vary the AN is made before or during the allocation of places, applications will be processed in the usual manner, with on-time applications being considered first, in line with the priority criteria at paragraph (see paragraph 9) and late applications being considered thereafter, if there are still places available after the initial allocation.

Where the decision to exceed or vary the AN is made after the allocation of places, any additional places that become available will be allocated in accordance with the waiting list.

Discretion to exceed the AN shall rest solely with the Local Authority and not the governing body of a school. In reaching any decision the Local Authority will consider the views of interested parties; the governing body of the school, the impact on the education of children in the school; and the availability of other places within the area.

- 11.4 For the purpose of this section, exceptional circumstances may include but are not limited to:
- (a) the admission of children residing within the catchment area where it is considered necessary to ensure the provision of suitable education;
  - (b) the admission of children who would have siblings in the school.

## 12. Co-ordinated Schemes

- 12.1 In accordance with the School Admissions Codes, Leicestershire must operate two statutory co-ordinated processes for the purpose of:

~ starting school for the first time (statutory);

~ transferring to secondary school (statutory).

Leicestershire County Council will, however, in the best interest of the parent continue to co-ordinate:

~ mid-term (in-year) transfers.

- 12.2 For Leicestershire residents the School Admissions Service will act as the parent's agent when applying for a school place regardless of whether the school is in Leicestershire, in another Local Authority or is its own admitting authority i.e. Voluntary Aided, Foundation, Studio, Free, Academy, or Trust schools. If applying from outside the authority you are encouraged to apply via the authority in which you live. If your move to Leicestershire is imminent, or the home authority do not operate a co-ordinated mid-term transfer process, then you should apply through Leicestershire's online system.

For a detailed breakdown of each process, please refer to relevant Co-Ordinated Scheme.

### **13. Miscellaneous**

#### Children Who Are in Care or Were Previously in Care and Now Adopted

- 13.1 Children in care of a Local Authority and those children who were previously looked after children, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order) are considered under high priority in Leicestershire.
- 13.2 In such circumstance confirmation must be sought from the last local authority that placed the child in care.
- 13.3 To be considered as *'in care or previously in care'*, Leicestershire does not stipulate a minimum length of time the child is or has been in care.

#### Catchment Area Definition and How to Find Out the Catchment Area School for Your Home Address

- 13.4 Leicestershire divides the county into school catchment areas. The child's full HOME ADDRESS determines the school where you would be given PRIORITY admission, for all community and voluntary controlled schools.

If you are unclear in which catchment area your home address falls please contact the LA's Customer Service Centre in the first instance – (0116) 305 6684, who will be able to inform you in which school catchment your address falls. In addition you will also find in the primary and secondary *'Your Guide to Education'* booklets district maps that outline in general the schools located within the district you live.

#### Areas of Dual / Multiple Catchment Entitlement

- 13.5 In areas where there is dual or multiple catchment entitlement, children who move into area after admissions have been decided will be refused a place in one of the schools if the relevant year group is full. (If all schools are full in the relevant year group, a place will be offered in the school which has numbers closer to the admission limit.)

#### Parental Proof of Residence

- 13.6 When, after reasonable enquiry, a school is unclear about a family address, the matter must be referred to the School Admissions Service.
- 13.7 The School Admissions Service will need to seek evidence of residence from parents where

the matter is unclear.

- 13.8 All schools are requested to be vigilant regarding addresses given by parents before transfer to the next phase of education, particularly if there is a late or unexpected change of address close to transfer. Any queries should be referred to the School Admissions Service.

#### Over-subscription Lists

- 13.9 The local authority will only maintain an over-subscription list for schools under its control. Each list is maintained from completion of the decision-making process for first-time admission, infant-junior and secondary transfer cycles to the end of the Autumn Term only. (This waiting list is ranked in the same order as the published oversubscription criteria and not by date of application.) Leicestershire do not hold over-subscription lists for mid-term transfers.

#### Tiebreak

- 13.10 In instances where more than one child has an equal weighting in accordance with our priority criteria, the tiebreaker used is measurement of distance in a straight line from the centre point of the property to the school's main designated front gate, with whoever is closer being offered the school place. Where there is equal distance then lots will be drawn supervised by an independent officer.

#### Children Who Move Out of the Catchment Area

- 13.11 A child who has started attending and whose place of residence changes to an out-of-catchment address is entitled to retain his/her place in the school and should not be asked to leave or have their name deleted from the register.
- 13.12 Such an entitlement does not hold if the child changes phase of education in which case entitlement to a place is according to the new address.
- 13.13 If there are queries about transport in these situations, refer to the Customer Service Centre (E&T).

#### Excluded or Potentially Disruptive Pupils

- 13.14 The Local Authority does not allow the refusal of admission because the pupil may disrupt the education of other pupils, but will consider exceptions according to the School Admissions Code. The School Admissions Code allows the refusal of places for children with "challenging behaviour" only for those schools able to demonstrate particularly high proportion of children with challenging behaviour or previously excluded children. In such circumstances the governors must refer the case to the Fair Access Protocol.
- 13.15 The Local Authority is not able to refuse admission where such a pupil lives in the catchment area and the parent has applied properly, or where there is a place available within the AN. The Local Authority expects pupils excluded from a previous school to be admitted automatically to the catchment area school at normal age of transfer to the next phase of education (dependent on the parent making proper application), unless the parent prefers another school in which case a place will be allocated if there is room.
- 13.16 There is no obligation to comply with a parental preference for a child who has been permanently excluded from two or more schools, for a period of two years following the latest exclusion. Parents of such children lose their right of appeal regarding admission. Schools for which the Local Authority is the admissions authority will have the right of appeal against a direction to admit such a child; other schools may refer to the Secretary of

State regarding directions to admit children.

It is possible that a child may receive a second permanent exclusion just before he or she is due to transfer school (e.g. from high or upper school). In these circumstances the Local Authority will expect the receiving school to admit the child, if the child's second permanent exclusion is issued after a transfer allocation has been notified to the parent, but before the actual transfer to the new school.

- 13.17 A permanently excluded pupil must not be removed from the school register until any exclusion appeal is complete or until the time limit for notification of appeal has passed.

#### Children with Special Educational Needs

- 13.18 The Local Authority does not allow the refusal of admission because it is believed that the school cannot cater for the child's special educational needs.
- 13.19 Pupils with special educational needs but no Education, Health & Care Plan (EHCP) are dealt with through normal admissions policy, and schools cannot refuse to admit a pupil because he/she does not have an EHCP or is being assessed for a Statement.
- 13.20 All governing bodies are required by section 324 of the Education Act 1996 to admit to a school a child with an Education, Health & Care Plan that names the school. This is not an oversubscription criterion and schools must admit children with EHCPs whether they have places or not.

#### Children from Overseas

- 13.21 The wording of the School Admissions Code applies.

#### Late Requests, Appeals (including class size appeals), Further Appeals and Errors

- 13.22 Late requests for school places, e.g. those received after a closing date, will be considered on their merits, but generally will have the lowest priority of all requests, even when the parents are requesting the catchment area school. This means that it is probable that a late request will not be allowed if the school is oversubscribed and there is no clear and significant reason (supported with documentary evidence) that it was beyond the parent's control for not applying at the appropriate time e.g. parent ill for some time or family returning from abroad.
- 13.23 To assist parents every effort will be made by the School Admissions Service to explain the basis under which an infant class size appeal is to be considered. The legislation and regulations are extremely stringent and only allow panels hearing an infant class size appeal to uphold the appeal where the following applies:
- the child would have been offered a place if the school's admissions arrangements had been properly implemented *i.e. because of an error or maladministration*; or
  - if it is established by the panel that the school's admissions arrangements did not take into account, when considering the application:
    - the School Admissions Code
    - Part 3 of the SSFA 1998;
  - the decision was not one that a reasonable admissions authority would have made in the circumstances of the case.

- 13.24 Where an appeal is being heard for a year group that is full and is not a class size appeal but if successful would cause *'future class size prejudice or breach'*, because future year groups are organised into classes of 30 pupils to one teacher. The appeal will NOT run citing class size legislation as a key principal argument for refusing the application.

Leicestershire will instead take the view that the panel is requested to take future prejudice into account when decision-making.

13.25 Appellants do not have the right to a second appeal in respect of the same school for the same academic year unless, it can be demonstrated that there has been a significant exceptional or material change in circumstances of the parent, child or school. Examples being:

- change of address;
- it has been agreed that there were procedural faults in the original appeal;
- new significant evidence has come to light;
- medical reasons ( apart from medical attention for distress or anxiety as a result of unsuccessful appeals);
- significant change to the school has come to light.

*(This is not a finite list; each case will be considered on its merits by the lead admissions or appeals officer)*

13.26 Where the admitting authority has made an error in any aspect of processing school application, and it has been established that had the error not occurred it would have resulted in the applicant legitimately securing a school place. The admitting authority must honour the applicant a school place, even if the school is full.

13.27 Where it has been determined the error was made by the applicant the admitting authority will not be held responsible, i.e. an incorrect date of birth, failure to mention sibling(s), failure to provide supporting evidence etc.

#### Arrivals in Catchment and Late Applications

13.28 Catchment requests for all students that move into a school's catchment area will be agreed (subject to proof of residence) as a priority even if the school is oversubscribed if there are no other school(s) with places within a 'reasonable distance' (where reasonable distance from home to school is shortest walking route, 2 miles for primary and 3 miles for secondary) (all distances to be measured by the shortest walking route using an electronic mapping tool - MapInfo). A route is available if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school. However, where the application is submitted and agreed within 90 days of the house move, the maximum period the priority will be afforded to take up the offer and start at the school is by half a school term from the point the application was received. Applications will be regarded as late if the application is made after 90 days of the family's house move.

13.29 To enable the admitting authority to overfill the local school on the basis of taking up residency in the catchment area the parent/carer must have applied within 90 (calendar) days of the date the family moved into the school's catchment area (*mid-term conditions proof of residency must be met*).

13.30 Once the admitting authority is satisfied the application for a school place was made within 90 days of the date the family moved into the house (see paragraph 13.45), an Admitting Authority will aim to offer a place in their new catchment school if there is no alternative school with space available in the relevant year group within 2 miles (primary), 3 miles (secondary) of the home address (subject to proof of residence).

13.31 If a parent has not taken up an offer of a school place within 20 (school) days of the offer date, a reminder will be sent, parents will be afforded a further 2 (school) weeks to take up the school place. If a place is not taken up with 7 days of the reminder letter, the offer of a school place may be withdrawn. (See paragraph 13.32).



### Acceptance or Refusal of Offers; Withdrawal of Places or of Offers of Places

- 13.32 In the normal admissions round (i.e. when offers are made for first-time admissions national offer date 16<sup>th</sup> April , or when offers for secondary transfers are made on national offer date of 1<sup>st</sup> March), it will be assumed by the School Admissions Service that the offer is accepted unless it is refused. Once the academic year begins the school place should be taken up within 20 school days. For mid-term applications (outside the normal round) the offer must be taken up within 20 school days from the offer date. If not the School Admissions Service will afford the parent a reasonable time (the regulations state 2 weeks) plus additional 7 days for a reminder, to accept the offered place. If no acceptance is received the offered place may be withdrawn. In addition the Local Authority reserves the right to withdraw a school place, or an offer of a place where the place has been obtained by false or misleading information, for example an incorrect address or date of birth. Schools should be vigilant about such matters. It may be appropriate for primary schools especially to ask for a sight of the child's short birth certificate before admission.
- 13.33 Offers of places are also withdrawn if they were based on an address and the parent's address changes before the child is admitted. For example, if a child was offered a catchment area place and the family moves out-of-catchment before admission takes place, the offer of the place may be withdrawn.

### Home-School Agreements

- 13.34 The School Standards & Framework Act does not allow signing a home-school agreement to be a condition for admission.

### Deleting a Child's Name from the Register

- 13.35 The Education Pupil Registration Regulations describe the circumstances in which a child's name can be deleted from a school's register. In normal circumstances it is not reasonable to delete a child's name from the school's register until it is confirmed that he/she is receiving education elsewhere. In unclear cases, please seek advice from School Admissions and Pupil Services.

### Changes of Address

- 13.36 Principles:
- (a) Residence in the catchment area is necessary to be given highest priority for a school place when applying, subject to availability.
  - (b) Where a school is over-subscribed or a family move into catchment after a published closing date for submission of applications, the School Admissions Service should seek to clarify parents' claims of change of address.
  - (c) Generally, only one address is recognised for each family, and only one family for each address.
  - (d) Places, or offers of places, may be withdrawn if they were based on incorrect information from the parents or their representatives.
  - (e) Each case is considered on its facts.
- 13.37 When a family moves, the Local Authority will aim to offer a place in their new catchment area school on request for schools adhering to this policy (dependent on: proof of residence see verification of address below).
- 13.38 What is generally not accepted when allocating places in over-subscribed schools:

- (a) purchase of a second property by a family, while the first property is retained;
- (b) rented accommodation, while a previous property is retained;
- (c) offers or exchange of contracts on intended purchases or sales of properties;
- (d) informal accommodation arrangements with friends or relatives.

13.39 Exceptional circumstances:

The School Admissions Service will always give serious consideration to any exceptional situations, such as where a family has been forced by circumstance to move into temporary accommodation, having lost their previous residence, or where there is a long-term separation between the parents and the child spends time in the week at two separate parents' addresses.

13.40 Verification of address:

- (a) Parents' written confirmation and declarations will be sought regarding important information. Parents will be asked to verify in writing that they are residing at the address claimed and intend to remain in the catchment area. Places will be withdrawn if such declarations are subsequently found to be incorrect or not honoured and the school is oversubscribed.
- (b) Documentary evidence such as Council Tax payment or, Child Benefit letter information will be sought.
- (c) Claims of new residence in a school's catchment area will be judged on circumstances and the documents provided; completion of both sale and purchase, where relevant, are normally necessary before a place is allocated.
- (d) Officers may be authorised to visit addresses to clarify whether families are living at the addresses claimed. Such visits will be undertaken in a reasonable fashion, by officers carrying appropriate identification.

Significant Change of Circumstance

13.41 The School Admissions Service considers fresh information in support of a parental preference for a school place, even if it is received at a late stage in the admissions process. In normal circumstance there will be no difficulty in meeting the parent's preference if all the school places have not been allocated.

13.42 Where the school's places have all been allocated, the School Admissions Service will be unable to offer a place, but may give higher priority to the parent's request if a place subsequently becomes available, according to the family's circumstances, in accordance with the priority criteria.

13.43 Verification, e.g. from professional persons or bodies, may be sought from the parent to confirm a change of circumstances. In such circumstance it remains the parent's duty to gather and provide the evidence.

"Relevant Areas" for Consultation Purposes

13.44 Admission authorities consult within "relevant areas" on admissions arrangements. In Leicestershire, "relevant areas" are as follows:

- (a) for community and voluntary controlled schools in Leicestershire the geographical boundary of Leicestershire is the "relevant area";

- (b) for each voluntary aided and foundation school in Leicestershire the “relevant area” is 8 kilometres (secondary) or 3.2 kilometres (primary).

How and When to Apply Changes to a School’s Admission Number (AN)

- 13.45 If a school’s AN is increased, this may be applied immediately to every year group in the school, unless this would have a detrimental effect on teaching and learning, e.g. limits to the number and size of rooms available or large numbers in classes.

If a school’s AN is decreased, this should be applied only to the entry year group, unless numbers in other year groups need to be restricted, for instance to comply with the infant class size limit or if there is overcrowding in other year groups.

Admissions to Schools for Pupils Resident in Boarding Houses Attached to Leicestershire Mainstream Schools

- 13.46 Children to be admitted to boarding houses attached to Leicestershire mainstream schools are regarded as catchment area children for the schools whose catchment areas contain the boarding house, but admission to local schools is not guaranteed, as described below. This affects not just the school to which the boarding house is attached, as the age-range of the children will cover more than one school phase. For all requests for maintained school places, the parent must submit an application to the School Admissions Service in the normal fashion. For particular local circumstances a more detailed description of the process will be made available if appropriate, for the school to give to prospective parents.

- a) At point of transfer

Children already in a boarding house (and attending a Leicestershire maintained school) are regarded as catchment area children for the school in the next phase of education, and therefore have high priority for admission.

For children with intended admission to the boarding house before the start of the Autumn Term, parents need to apply before the usual deadline in the preceding October. Applications received after this deadline are regarded as late applications in accordance with the scheme for coordinated admissions.

- b) Mid-term (in-year) admissions

Children should not be admitted to boarding houses before the position regarding school admission is clear. If the school is full in the year group in question and unable to admit the child, then either admission to the boarding house must be refused or, if the child is to be admitted to the boarding house, it must be made clear to the parents by boarding house staff that an alternative school must be sought.

Process for When a School is Closed, or When There is a Significant Change in a School’s Age-range (e.g. Change of a Whole Curriculum Year-group or More)

- 13.47

- There will be a managed process for pupil transfers and where possible this will be part of a normal transfer cycle.
- Parents with children at a school, which is due to close, will be given application forms to submit within a stated timescale.
- The local authority will apply its normal criteria to prioritise requests for oversubscribed schools.
- The local authority will coordinate applications for all types of schools, forwarding

requests for Foundation, Studio, Free, Academy, Voluntary Aided and schools in other authorities to those bodies for admission decisions.

Children with Split Residence

- 13.48 Where a child lives for part of the week with one parent and for part of the week with the other parent, the address recognised by the local authority is the one where the child lives for the majority of the school week. Where it is claimed that the weekly residence arrangement varies, both addresses will be valid, and in some cases the child will have two catchment area schools. These definitions depend on the written declaration of both parents, and if the claimed residence arrangement is found to be false, the child's place at the allocated school may be withdrawn even if the child has started attending.

Children of UK Services Personnel and other Crown Servants

- 13.49 Such children must be allocated a place in advance, dependent on an official government letter declaring a relocation date and intended address, if the applicant would meet the criteria on relocation.

A Unit postal address must be accepted, or if appropriate a "quartering area" address in the absence of a new home postal address.