

Reference Points

Government Legislation

- **DfE School Admissions Code**, February 2012.
- **DfE School Admission Appeals Code**, February 2012.

All schools and admission authorities are legally required to act in accordance with the mandatory provisions of these two Codes. In the case of academies this is written into their funding agreement.

In-Year Fair Access

The government has asked every local authority to agree a set of rules with the schools in its area about hard to place children, for example children who have been permanently excluded.

Eventually these children need to be placed back in to another school and the rules say that they take priority over any reserve list or oversubscription criteria.

Even if the school is full it can still be asked to admit hard to place children because these children are shared between schools so that each takes a fair share and no one school is overloaded.

The protocol is available by emailing schooladmissions@lincolnshire.gov.uk

Publications produced by the school admissions team, all updated annually.

- **Going to School in Lincolnshire Primary and Secondary Books** – provides general school admissions information and advice, including school contact details and oversubscription criteria.
- **Lincolnshire School Guide for Parents and Carers**- provides information and advice for parents applying for their child to start school for the first time in reception, transfer from infant to junior school or transfer to secondary school.
- **School Admission Appeals, a Guide for Parents and Carers** – provides general information and advice on independent appeals for all categories of schools.

All these publications are available on www.lincolnshire.gov.uk/schooladmissions

Websites

- Parents normally apply online for places in reception, year 3 and year 7 under the coordinated scheme at www.lincolnshire.gov.uk/schooladmissions. The website also provides information on Lincolnshire schools and the admissions process and contains copies of our publications.
- www.lincolnshire.gov.uk/admissionsconsultation provides information on the admission policy consultation.

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations>

The School Admissions Code and Appeals Code are available from this web address.

Contact Points for Parents' Use:

Education Team 01522 782030

Email: schooladmissions@lincolnshire.gov.uk

Please ensure that these contact details are quoted in all communications with parents, for example for obtaining appeals papers in letters refusing a place in Community and Controlled schools.

Contact Points for School Staff Use Only:

School Admissions Team

School Admissions Manager 01522 553304

Team Leader 01522 553339

Reception intake and Transfer to Junior or Secondary School:

Principal Admissions Officer 01522 553509

Technical Support 01522 553243

Other numbers 01522 553229 and 01522 553227

Mid-year Admissions or Appeals:

Email: MidyearAdmissions@lincolnshire.gov.uk

Mid-Year Admissions 01522 552241

Appeals 01522 553226

01522 553212

01522 553301

Email: schooladmissions@lincolnshire.gov.uk

Fax Number: 01522 516708

The school admissions team website at www.lincolnshire.gov.uk/schooladmissions has a section for school staff; please contact the technical support number above to gain access to it.

Admissions Committee

Admission authorities must allocate places on the basis of their determined admission arrangements only. A decision to offer or refuse admission must not be made by one individual in an admission authority, this includes the Headteacher.

Where the school is its own admission authority the whole governing body, or an admissions committee established by the governing body, must make such decisions. It is considered good practice to have the Headteacher on the Committee and at least two Governors.

General Arrangements

Headteachers of all schools should be aware that children are normally admitted up to the published admission number for any particular year group, unless one of the statutory exceptions below applies.

In the normal year of intake to the school there can be no refusal of a place unless the published admission number has been reached, unless the school is a grammar school and the child has not qualified in the tests.

Once a school has admitted up to the Published Admission Number (PAN) for that cohort there will normally be no more admissions.

However, in some cases it may be possible to agree an admission above PAN without the need for an appeal.

In foundation, voluntary aided and academy schools this decision is made by the governors, in community and voluntary controlled schools it is made by the school and the admissions team together.

For further advice call the School Admissions Team.

When the duty to offer a place does not apply:

Twice excluded pupils

- Where a child has been permanently excluded from two or more schools parents can still express a preference for a school place, but the requirement to comply is removed for a period of two years following the second exclusion.

Pupils with challenging behaviour.

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

Parents retain the right of appeal against these refusals.

Poor Practice

- **Interviews.**

Children and parents **must not** be interviewed in connection with the admission process, except in the case of a boarding place (and then only to establish suitability for boarding).

- **Information from previous schools**

Section 2.9 of the Code states that admission authorities **must not** refuse to admit a child solely because:

- they followed a different curriculum at their previous school;
- information has not been received from their previous school; or
- they have missed entrance tests for selective places.

Admission therefore cannot be conditional on receipt of information from a previous school, nor dependent on the information being satisfactory.

Testing

Admission authorities for schools with partially selective admission arrangements must allocate all available places, including any unfilled selective places, if they have sufficient applications of any academic standard.

Admission authorities for designated grammar schools or selective academies are permitted to select children for admission on the basis of academic ability and may leave places unfilled if there are insufficient eligible applicants.

Most admission authorities for selective schools use performance in an entrance test as a basis for determining whether a child is of the required academic standard for admission.

The fact that a child has been assessed as being suitable for entry to a selective school does not guarantee them a place if the school is oversubscribed. Admission authorities should explain this to parents and must set out in their published admission arrangement details of how places are allocated if the school is oversubscribed.

Selective schools may wish to make arrangements to test children who apply midyear even if the year group is already full, or may refuse on grounds of fullness.

If the parent of an untested child appeals to the independent panel the admission appeals code states that the **parent** must demonstrate that the child **does** have the required ability for grammar school education

Only children accepted by the school as qualified are placed on the reserve list for a selective school.

Mid-Year Admissions

Schools will receive speculative general enquiries from parents considering a move to the area. We recommend indicating whether a place is available at the time of the enquiry, clearly stating that any places may no longer be available by the time the move is finalised.

It is good practice to allow parents to visit the school, whether a place is likely to be available or not.

After consultation with schools, Lincolnshire has agreed a coordinated midyear system so that parents can express preferences for up to three schools. The Lincolnshire form is available for residents or those with a confirmed move to the area by telephoning 01522 782030.

All schools can deal with direct applications by parents without going through the full midyear system; if there are places available this may avoid any delay in the child starting.

In this situation we recommend that, before admitting the child, the school checks with the school admissions team for any applications received centrally that may have higher priority under the oversubscription criteria. The admissions team will then log the application and write the formal offer letter under the scheme.

The admissions code (section 2.22) states that schools receiving applications direct must notify the local authority of the application and its outcome. Parents refused a place must always be notified of their right of appeal.

In Lincolnshire places are not normally allocated unless there is a firm date for a move to the area and a binding legal commitment to move, for example a signature on a tenancy agreement or exchange of contracts. Places allocated in advance of a move are normally held for a maximum of 6 school weeks.

Forces children

The code defines these as “Children of UK service personnel (UK Armed Forces)”. These provisions of the code also apply to children of Crown Servants returning from overseas to live in Lincolnshire.

For families of service personnel with a confirmed posting to their area, admission authorities **must**:

- a) allocate a place in advance, if the application is accompanied by an official government letter which declares a relocation date and a Unit postal address or quartering area address for considering the application against their oversubscription criteria. Admission authorities **must not** refuse a service child a place because the family does not currently live in the area;
- b) ensure that arrangements in their area support the Government’s commitment to removing disadvantage for service children. Arrangements **must** be appropriate for the area and be described in the local authority’s composite prospectus.

To address (b) above all admission authorities are asked to consider this matter and amend their admission policy if appropriate

Lincolnshire County Council has determined the following statement as a way of removing disadvantage.

“The School Admission Code states that admission authorities must ensure that arrangements in their area support the Government’s commitment to removing

disadvantage for service children. The following statement seeks to do this without offering service personnel an advantage in the admission arrangements. It will help the majority of service personnel but there may be circumstances where schools cannot admit because of organisational or curriculum difficulties.

For late intake applications and mid year applications we will aim to remove any disadvantage to UK service personnel by applying the schools oversubscription criteria. We will check to see if the address is within the distance of the last child admitted in the last admission round that was oversubscribed on offer day. If the address is within the distance the governors will consider admitting providing all children in public care and siblings have already been admitted. This will be irrespective of the fact that the school has had appeals heard or appeals currently being scheduled.

It may be that we still cannot admit because of organisational or curriculum difficulties within the school, if this is the case we will inform the Local Authority and ask them to consider your second and third preferences.

We will need the notice of posting or official government letter and posting address before we can consider the application under these arrangements. We will allocate a school as soon as possible by applying the policies and practices that we normally follow but including the statement given above.”

Children from Overseas

The admission of children from overseas is mentioned in the School Admissions Code (section 2.19). There is also non-statutory guidance on the DfE website. If in any doubt please seek advice from the School Admissions Team.

If a child lives outside the UK, and the parent is not among UK service personnel (UK armed forces), they will not be able to apply for a place until the child is resident in the country.

Children from overseas must be considered in the same way as other children in the UK when applying for a school place and schools must not refuse on grounds of language and regardless of the child's immigration status.

The DfE announced in July 2000 that newly arrived children from overseas, whose first language is not English, need not have their examination results included in school league tables if they arrive in school during years 5, 6, 10 or 11.

Ethnic Information

The DfE requires local authorities to collect statistical data about pupils in its schools and it would be helpful, therefore, if you could arrange for Form EC67 “Particulars of a child on admission to school” (available on NetLinc) to be completed at the time of a child's admission. Parents are not obliged to give this information.

For further information and support contact the Ethnic Minority and Travellers Education Team. The contact details are:

EMTET
The Primary School
Sturton by Stow
Lincoln
LN1 2BY

01427 787190

Early and Late Transfer

Children will normally be placed in the year group to which they belong by chronological age.

Where the parent requests that a child be placed in a different cohort, the relevant Admission Authority must take this decision (in community and voluntary controlled schools the School Admissions Team must be consulted, in own admission authority schools the decision is made by the governors).

An admission authority can only make this decision for their own school or schools. This has potential implications for transfer to junior or secondary school if children are admitted a year late to reception or work with an older cohort during their primary schooling as the next school may refuse to admit them to the preferred cohort. We advise primary schools to consider this potential difficulty carefully in working with parents who feel that their child should move through the system other than in line with their date of birth. Initial queries on the relevant procedures should be directed to the Admissions Team Leader (01522 553339) well in advance.

If such a request is refused, parents may have the right of appeal to an independent panel against this decision.

This is a complex area and early consultation with the Admissions Team is strongly recommended.

Sixth Form Admissions

Children already attending a school in Year 11 have the automatic right of transfer to the school's sixth form; provided that a suitable course, or combination of courses, can be provided and the child meets the school's published academic standards (usually a certain number of GCSEs at specific grades or better).

Admission to the sixth form must not be refused on grounds of behaviour, attitude or attendance.

Any refusal must be in accord with the school's published arrangements. Parents and young people have separate rights of appeal to an independent panel against any refusal and this must be stated in the letter refusing the place.

Transfer from Year 12 to Year 13

This is an area on which the Code is silent. However, after taking advice from both the DfE and Legal Services there are two possible scenarios;

1. Where a school sets out from the outset criteria to be met for progression from Y12 to Y13.

Acceptance of a place is therefore in the knowledge of the consequences of not keeping up with the work. In this case the school may lawfully take away the place. Parents or students dissatisfied with this would have to follow the route of complaint to the Governors etc as set out in Going to School in Lincolnshire and on the school admissions website.

2. If there are no progression criteria.

The expectation here is that the offer of a place in the sixth form is for a two year commitment. For a school to remove a student from the roll in this situation would be unlawful, as none of the criteria for doing so would be met.

It is recommended that materials associated with the Sixth Form, for example the brochure, be reviewed to ensure this is clear.

Admission Appeals

Where a place is refused, the parent or carer of the child must be informed in writing of the reason for the refusal and their right to an appeal to an independent appeal panel.

In community and voluntary controlled schools these appeals are arranged by the school admissions team, panels and clerks are provided by legal services.

Parents may obtain the necessary papers to start an appeal for a place at a community or controlled school from 01522 782030. For midyear refusals at primary schools there is a common Lincolnshire form for all schools. Parents will find further information on www.lincolnshire.gov.uk/schooladmissions

Foundation, Voluntary Aided and Academy schools may arrange for an independent panel to be convened by Legal Services, or may convene their own panel, provided it is fully compliant with the Appeals Code.

There is a buyback service available to own admission authority schools whereby the school admissions team can deal with this area on the school's behalf, please contact the team for full information.

It is mandatory that the Clerk to the panel is independent and appropriately qualified. The Ombudsman has clearly stated that there is too great a conflict of interest for one person to act both as Clerk to the school's Governors and as the Clerk to the appeal panel.

Panel members must not be disqualified and must receive appropriate training before hearing appeals.

Details can be found in Section One of the Admission Appeals Code.

Appeals for admission to Year 12

Where a child already attending a school is refused permission to transfer to Year 12 at that school, they and their parents have the same right of appeal. For in-year

applications made by both children and their parents, panels should hear appeals together where possible unless they are for different admission authorities.

Consultation on PANs and Policies

- All admission authorities are required to consult before lowering the admission number for each normal year of entry and before changing the oversubscription criteria to be applied if applications exceed this number. There must be an eight week consultation between 1 November and 1 March. Own admission authority schools, including academies, must include Lincolnshire County Council in the consultation. In Lincolnshire the consultation normally takes place during January and February.
- In primary schools with a nursery and secondary schools with a sixth form, the separate arrangements for admission to these years must be included in the consultation.
- If a Voluntary Aided or Foundation school or Academy has any supplementary forms, for example to do with aptitude selection in a specialist secondary school, these are also subject to consultation.
- The determined admission arrangements, including the admission number, must be published. All admission authorities must determine the final version by 15 April and send it to those who were originally consulted before 1 May. To do this, email the final version to the School Admission Team at schooladmissions@lincolnshire.gov.uk.
- The website includes guidance on the process and links to relevant documents. The Admissions Team alerts neighbouring Local Authorities to the progress of the consultation each year.
- An admission authority must apply the published arrangements when admitting pupils.
- For admission to the normal year of entry all schools and admission authorities, including academies and free schools, must operate in accordance with the agreed Coordinated Schemes for Lincolnshire and the arrangements for Foundation and Voluntary Aided schools and academies must reflect this.

For coordinated admissions to the normal year of intake only the local authority can make the offer of a place.