

United Learning Admissions (Academies) Policy 2022/23

Our Approach to School Admissions

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

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

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

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

The School Admissions Code

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

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

Admissions Criteria

All United Learning academies must ensure the practices and criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. Each school must have admissions arrangements which set out clearly how children will be admitted, including the criteria that will be applied if there are more applications than places at the school.

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

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If a school is undersubscribed, any parent that applies must be offered a place. When oversubscribed, admissions must be ranked in order against oversubscription criteria and then the ranked list returned to the local authority who coordinate all admissions in the area. Published admissions arrangements must make clear to parents that a separate application must be made for any transfer from nursery to primary school, and from infant to junior school (see page 8 of the Code at paragraph 15.e).

Published Admissions Number

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

The planned admission number for 2022/23 at Marlborough Road Academy is 60 pupils per year group, including in Nursery and Reception. The school's consultation process to reduce the PAN to 45 from September 2023 has now been resolved. School's PAN will be amended from September 2023 from 60 pupils per year group to 45. It is the intention of school, in consultation with the Local Authority to reduce the PAN from 60 down to 45 in Year groups 1 – 6 from September 2022. The PAN in Reception is legally required to remain at 60 until September 2023. The PAN in Nursery will reduce to 39 from September 2022.

Academies can change their PAN, as set out below:

Changing the PAN

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

Any admissions above the PAN do not constitute an increase to the PAN.

Oversubscription Criteria

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

All children whose statement of special education needs (SEN) or Education, Health and Care plan (EHCP) names the school must be admitted by operation of law (i.e. not under the oversubscription criteria) and a statement to that effect put into each academy's admission arrangements. If the school is not oversubscribed, all applicants must be offered a place (with the exception of grammar schools).

Oversubscription criteria must be reasonable, clear, objective, fair and comply with all relevant legislation including equalities legislation. The highest priority must be given to looked after children

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and all previously looked after children. Previously looked after children are children who were looked after but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order (paragraph 1.7 of the Code).

Arrangements must also include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated. This is typically distance or random selection by ballot (see below). The Code details 15 specific actions that admission authorities must not do / include in formulating their admission arrangements (paragraph 1.9 of the Code). Some examples are detailed below, but all schools must ensure their admissions criteria do not include these points. The following must not be used in formulating admission arrangements:

- Take into account any previous schools attended unless it is a feeder primary school (see page 3 in this Policy below); -
- Give extra priority to children whose parents ranked the school in a particular order (including 'first preference first' arrangements);
- Introduce any new selection by ability;
- Give priority based on financial support from the parents or request financial contribution
- Take account of reports from previous schools;
- Discriminate against or disadvantage disabled children or those with SEN;
- Interview parents or children. (In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place).

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

Our over subscription criteria are set out below:

1. Looked after children (as defined by section 22 of the Children Act 1989), previously looked after children and internationally adopted previously looked after children. This includes children who have ceased to be looked after because they were adopted or became subject to a child arrangements order or special guardianship order.

*The highest priority **must** be given to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). This includes children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society. (Paragraph 1.7 of the Code).*

2. Children in Need - as defined by the Children Act (1989) i.e. those who are unlikely to achieve or maintain or have the opportunity of achieving or maintaining a reasonable standard of health or development or a child / children whose health or development would be further impaired without the provision of services of the Local Authority. Applications under this criterion would need to be

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supported by an appropriate professional stating that attendance at Marlborough Road Academy is essential.

3. **Medical reasons.** If claiming medical reasons, primary guardians must provide evidence from the doctor that the child has a medical condition which means that admission to Marlborough Road Academy is essential.

4. **Older brother or sister in attendance at Marlborough Road Academy** at the date when the pupil is to be admitted. This includes step-children and foster children living with the same family at the same address. Other children may be considered under the sibling criterion provided proof is available to demonstrate that the children are permanently resident at the same address as part of the same family unit. United Learning accepts that in some family units children may not be natural brother or sister.

5. **Distance from the Academy.** This will be measured in a straight line (as the crow flies) in miles from the child's permanent home address to the front entrance of the Academy.

The child's ordinary place of residence will be deemed to be a residential property at which the person or persons with parental responsibility for the child resides at the closing date for receiving applications for admission to the Academy.

Where parental responsibility is held by more than one person and those persons reside in separate properties, the child's ordinary place of residence will be deemed to be that property at which the child resides for the greater part of the week including weekends.

If the Academy cannot differentiate between the applications within criteria 2-5 a random allocation tie-breaker will be applied. This may be required for example, where applicants reside in the same block of flats or are children of a multiple birth living at the same address.

If the school wishes to change its admissions criteria in any way, it must in the first instance discuss this with the relevant UL Director prior to planning any consultation.

Applying for a place at Marlborough Road Academy

At Marlborough Road Academy, we try to accommodate all children who want to come here, although places will be offered in line with the above admissions criteria.

Determination

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

Following determination of arrangements, any objections to the arrangements must be made to the Schools Adjudicator no later than 15 May in the determination year. Schools must provide all the information that the local authority needs to compile the composite prospectus no later than 8 August, which they will then publish by 12 September in the offer year.

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Consultation

For any change in admission arrangements, consultation must be for a minimum of 6 weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply (paragraph 1.43 of the Code). For example: for arrangements which are to apply to entry in September 2022, consultation must be completed by 31 January 2022. Arrangements can still be objected to and referred to the Schools Adjudicator following consultation. Objections to admission arrangements must be made by 15 May in the determination year. Any decision of the Adjudicator must be acted on by the academy and the Trust, and the admission arrangements amended accordingly. The Code sets out specific requirements (paragraph 1.44 of the Code) as to whom admission authorities must consult with. This includes parents, the local authority and other admission authorities in the area.

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

Variation

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

Applications and Offers

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

Admission to the Nursery Class

Marlborough Road Academy is in Salford Local Authority. When applying for a place you complete the Salford Application form for entry. You can apply online at

www.salford.gov.uk/apply-for-a-primary-place

Children can be admitted to the Nursery when they are 3 years old or if they will reach this age before 31 August in the year they are admitted.

Admission applications should be made through the Salford Admissions Team for the September intake. Information and application packs will be available from late October in the year before the September intake.

The deadline for applications is usually the middle of January. Places are announced via letter or email usually during the middle of April. You will normally be given at least 10 working days to let the Local Authority know whether you want to accept this offer, but during busy periods this may take up to 15

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school days (in accordance with section 2.30 of the Schools Admissions Code 2021). If parents do not respond within this timescale the place may be offered to another child.

Late applications will only be dealt with once all other applications have been allocated and accepted.

A place in the Nursery class does not guarantee a place in Reception. All parents must re-apply for a Reception Class place.

Admission to the Reception Class

Marlborough Road Academy is in Salford Local Authority. When applying for a place you complete the Salford application form.

Marlborough Road Academy is on the boundary of the Salford Education Authority. Admission applications must be made through either Salford City Council or Manchester City Council depending on which local authority you pay council tax.

Salford = www.salford.gov.uk/apply-for-a-primary-place

Manchester = www.manchester.gov.uk/info/500321/primary_school_admissions

In some cases, academies will need to ask for supplementary information forms (SIF) in order to process applications. If they do so, they must only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria. Priority must not be given to an applicant solely on the basis of having completed a SIF i.e., where an applicant clearly falls into an oversubscription criterion on the basis of the information they have provided, the application needs to be processed within the criterion. The applicant cannot be penalised for not completing a SIF. The SIF must **not** ask for any information prohibited by the list at paragraph 1.9 of the Code. Schools can ask for proof of date of birth but must not ask for a 'long' birth certificate or other documents which could include information about the child's parents.

Allocating Places

Places **must** be allocated on the basis of the determined admission arrangements only. A decision to offer or refuse must not be made by an individual and must be made by the LGB or an admissions committee established by the LGB (paragraph 2.7 of the Code). The admission authority must keep a clear record of any decisions on applications, including in-year applications. Where it is not possible to convene a face-to-face meeting of a governing body or the admissions committee (where applicable) in order to make a decision on an application, decisions may be made 'virtually', provided members are 'present' – for example via telephone or video conference.

In the normal admissions round, places must be sent by the home local authority and schools **must not** contact parents about the outcome of their applications until after these offers have been received.

Withdrawing an offer or a place

A place **cannot** be withdrawn unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or deliberately misleading application (paragraph 2.13 of the Code). Where the parent has not responded, they **must** be given a further opportunity to do so alongside an explanation that the offer may be withdrawn if not.

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

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Waiting Lists (Normal Admission Round)

If in any year an academy receives more applications for places than there are places available, the academy **must** operate a clear, fair and objective waiting list until at least the 31 December of the admission year (but can be longer) unless different arrangements apply locally whereby the local authority coordinates the waiting list for all schools up to 31 December. Details about the waiting list **must** set out that each added child will require the list to be ranked again in line with the published oversubscription criteria (paragraph 2.15 of the Code). Priority **must not** be given based on the date of the application. Looked after children, previously looked after children, and those allocated a place in accordance with a Fair Access Protocol **must** take precedence over those on a waiting list.

Marlborough Road Academy will operate a waiting list for each year group. This will be maintained by the Academy and it will be open to any parent to ask for his or her child's name to be placed on the waiting list, following an unsuccessful application.

Children's position on the waiting list will be determined solely in accordance with the oversubscription criteria. Where places become vacant, they will be allocated to children on the waiting list in accordance with the oversubscription criteria.

Arrangements for the Admission of Pupils with Disabilities

Most children with Special Educational Needs or Disabilities will not be disabled within the meaning of the Equality Act 2010. The admission of pupils with disabilities is considered in the first instance in the same way as non-disabled pupils. Further considerations are made in the light of need and accessibility. In practice we ensure that classroom and extra-curricular activities encourage the participation of all pupils, including those having special educational needs or disabilities. Staff organise resources within the school to increase access to learning and participation by all pupils.

In Year applications for all year groups 2022/23

Children currently in another primary school can be admitted to Marlborough Road Academy at any appropriate age.

If you would like your child to attend Marlborough Road Academy you should contact the school for information and arrange a visit to Marlborough Road Academy.

The Academy manages its own in year admissions and will allocate a place in the required year group if one is available. You may obtain further advice from Salford Schools' Admissions. On receipt of an in-year application, the academy must notify the local authority of both the application and its outcome to allow the local authority to keep up to date figures on the availability of places in the area. Once a place is allocated the Academy offer an induction which **may include a home visit**. Parents are notified by letter once a place has been allocated.

The 2021 Code is clear that parents must not be refused the opportunity to make an application or be told that they can only be placed on a waiting list rather than make a formal application.

All academies must ensure hard copies of the information about in-year applications are provided on request for those who do not have access to the internet.

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How to appeal if a place has been refused

Reasons for refusal of an in-year admission

United Learning schools fully recognise the need to meet parental preference where possible, and in-year admissions will be accepted wherever possible. However, where the relevant year group within the school is full, there are 2 clear reasons why an in-year admission would need to be refused:

1. **Infant Group Sizes:** the law states that children in infant classes (Reception, Year 1 and Year 2) cannot be taught in classes of more than 30 pupils to one fully qualified teacher (see below). For this reason, a place in-year cannot be offered if doing so would breach the duty to comply with the infant class size limit, unless one of the legally permitted exceptions applies.
2. **Ordinary prejudice grounds:** if the relevant year group within the school is currently full and the point has been reached where considerations of parental preference have become outweighed by the adverse financial and accommodation consequences of admitting further pupils, then an in-year admission can be refused. This would be on the basis that it would place pressure on staff and existing pupils and have an impact on successful teaching and learning and risks prejudicing the provision of efficient education and the efficient use of resources in terms of Section 86(3) of the School Standards & Framework Act 1998. In years of entry (e.g., Year R or 7) the school must admit up to its Published Admission Number (PAN) throughout that year and can only refuse on prejudice grounds once that number has been reached. The PAN does not apply in other year groups although it is often used as an indicator of the year group's capacity.

Decisions of the independent appeal panel are binding on Admission Authorities. Therefore, any successful appellants must be admitted to the School.

Fair Access Protocol: It is also possible that a place may be allocated under Fair Access Protocols in due course.

Direction: Under an Academy's funding agreement the Secretary of State can direct an Academy to admit any child. The Local Authority can only ask an Academy to admit a pupil but has no power to direct it to do so. However, where an agreement cannot be reached, the Local Authority can ask the Secretary of State to intervene.

The Department for Education publishes a guide for parents on school admissions and appeals. The guide explains the school admissions and appeals processes; what parents can expect from the admissions system; how to object to unlawful arrangements and how to find further information and support.

This Policy should be read in conjunction with the Salford publication "Choosing a school in Salford" which is available [here](#), can be downloaded from www.salford.gov.uk/primary-schoolapply.htm; or can be requested by e-mail from school.admissions@salford.gov.uk

Infant Class Sizes

Infant classes must not contain more than 30 pupils with a single school teacher. Additional children can only be admitted under limited and tightly defined exceptional circumstances. These children will remain 'an excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. 'Exceptional circumstances' include children with an Education

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and Health Care Plan that names the school; Looked After Children and previously Looked After Children who do not have a school place as part of the normal admissions round; and children admitted after a procedural error in the original application process. Further information about exceptional circumstances are detailed in paragraph 2.16 of the Code.

Other

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

- **Admission of Children below compulsory school age and deferred entry to school:** primary phase academies must provide for the admission of all children in the September following their fourth birthday and allow for this to be deferred until later in the school year and allow for children to attend part-time if their parents wish, but not beyond compulsory school age (paragraph 2.17 of the Code).
- **Admission of children outside their normal age group:** DfE guidance states that “in general, children should be educated in their normal age group, with the curriculum differentiated as appropriate, and that they should only be educated out of their normal age group in very limited circumstances.”. Decisions must be made on the basis of the circumstances of the case and in the child’s best interests. Page 25 of the Admissions Code gives further information (paragraph 2.17 of the Code). The school will consult with the Trust as the Decision Maker, taking account of the views of the Principal. The views of parents will be taken into account, along with information about the child’s academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely.

When considering requests to be educated outside of a child’s normal year group at any other time than summer born for reception, the local authority advise parents that they need to provide professional evidence stating why it would be in the child’s best interest. Lack of vacancies or coming from a different education system abroad would not be considered sufficient grounds to agree a request.

Where the child has an EHCP the Local Authority SEND department must be consulted. Where there is a request for a child to be educated out of year group, the school will hold an annual review to fully consider the pros and cons of the request. Schools should be careful not to raise parental expectations that the decision will automatically be agreed. Each request will be considered on the individual circumstances. While the decision will be informed by the views of the young person, parents and professionals, the decision is the responsibility of Salford Local Authority.

Where a child is educated out of year group, the appropriateness of arrangements must be considered at each annual review and / or change of placement, with a clear recommendation about whether to keep the child out of their usual year group or to return them to their chronological age group

- **Children of UK service personnel (UK Armed Forces) and crown servants.**

For families of service personnel with a confirmed posting, or crown servants returning from overseas, admission authorities **must**:

a) allocate a place in advance of the family arriving in the area (as long as one is available), provided the application is accompanied by an official letter that declares a relocation date. Admission authorities must not refuse to process an application and must not refuse a place solely because the family do not yet have an intended address, or do not yet live in the area.

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b) use the address at which the child will live when applying their oversubscription criteria, as long as the parents provide some evidence of their intended address. Admission authorities must use a Unit or quartering address as the child's home address when considering the application against their oversubscription criteria, where a parent requests this.

c) not reserve blocks of places for these children.

d) 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.

(Paragraph 2.21 of the Code).

- **Children from overseas.** Applications for children coming from overseas must be treated in accordance with European Union law or Home Office rules for non-European Economic Area nationals. Further guidance can be found [here](#). Clarification on eligibility and entitlements, updated in Nov 2017, can be found [here](#).

Ensuring Fairness

Children with challenging behaviour and those who have been excluded twice

Academies must not refuse to admit children in the normal admissions round on the basis of poor behaviour elsewhere. However, where a child has been permanently excluded from two or more schools there is no need to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion, and children with special educational needs statements or an EHCP.

Fair Access Protocols

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

Places offered by way of the FAP are outside of the normal co-ordinated admissions round. It is triggered when a parent of an eligible child has not secured a place under in-year admission procedures. Therefore, there is a 2-part test to whether a pupil can be allocated a place under a FAP. Firstly, a pupil must be "eligible". Only the following groups will be considered under the FAP (paragraph 3.17).

- a) children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
- b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
- c) children from the criminal justice system;
- d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;
- e) children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;

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- f) children who are carers;
- g) children who are homeless;
- h) children in formal kinship care arrangements;
- i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
- j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of this Code;
- k) children for whom a place has not been sought due to exceptional circumstances⁸³;
- l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place.

Secondly, they must be having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures. For example, where an application has been made to at least one school and this has been refused, or the local authority has confirmed that there are no places available at any school within a reasonable distance. Thus, starting or completing the appeals process is not a pre-requisite to demonstrate the above “difficulty”.

However, where the parent’s application is refused on the grounds that an admission would prejudice the efficient use of resources or the efficient education of others at the school they have a right to appeal that decision. Therefore, it is possible that the FAP process will be parallel to an admission appeal process if that route is also pursued by the parent. This could result in, for example, a place being made available via the FAP whilst the outcome of the appeal process is still pending.

There is no requirement to meet parental preference when allocated a place under a FAP.

Admission authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs. A Fair Access Protocol must not require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

Secretary of State’s power of direction

Where a local authority considers that an academy will best meet the needs of any child, it can ask the academy to admit that child but has no power to direct it to do so. Whilst an agreement can usually be reached, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an academy’s funding agreement to direct the academy to admit a child.

Appeals and Objections

Objections

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

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

Right to Appeal

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

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

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

Impact of the Covid 19 Pandemic

Academies should note the current government guidance on admission appeals during the current Covid pandemic [here](#) and act on that guidance accordingly. This guidance is in place until 30 September 2021. The main changes relate to how to conduct appeals remotely / virtually, as well as giving more flexibility with the appeals time frames. The key elements of ensuring fairness and impartiality still of course apply.

Arranging Appeal Panels

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

Appeal Hearings

Academies must set a timetable for the organising and hearing of appeals panels, which needs to be published on their website by 28 February each year. The timetable must include a deadline for lodging appeals which **must** be at least 20 school days from the date of notification that their application was unsuccessful. At least 10 school days' notice should be given of the date of the hearing, and decision letters should be sent within 5 school days of the hearing, wherever possible.

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

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

United Learning Admissions (Academies) Policy 2022/23

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

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

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

Procedure

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

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

Further Information

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

Owner	Secondary Academies Team
Department responsible	Secondary Academies Team
United Learning Independent Schools/Academies/Both	Academies
Reviewed	Annually, or in line with changes to the School Admissions Code
Date Authorised	June 2022
Review Date	September 2023