

Three Counties Academy Trust



Admissions Policy (2023-2024)

#A2

Last updated: 08 March 2023

Review Date: 08 March 2024

Contents:

Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Admissions arrangements
4. Consultation, determination, and publication
5. Applications and offers
6. In-year admissions
7. Waiting list
8. Admissions appeals
9. Monitoring and review

Statement of intent

Three Counties Academy Trust, and the member schools Queen Elizabeth High School, Bredenbury Primary School and St. Peter's Primary School welcome all pupils, and places at our schools are offered in an open, fair, clear, and objective manner. We work to the principle that any parent accessing our admissions arrangements will be able to understand easily how places for our school's will be allocated and will not be alienated or discouraged from applying based on admissions criteria.

Although we are a Multi Academy Trust, the Trust Board has delegated the authority to oversee school admissions for our schools to the LA Admissions team.

The table below sets out who the LA is and other responsible bodies in our Trust.

Type of school	Who is the LA?	Who deals with complaints about arrangements ?	Who is responsible for arranging/providing for an appeal against refusal of a place at the school?
Queen Elizabeth High School (Academy)	Herefordshire Council	Schools Adjudicator	LA
Bredenbury Primary School (LA Maintained until August 31 st , 2022, then Academy from September 1 st , 2022)	Herefordshire Council	Schools Adjudicator	LA
St. Peter's Primary School (LA Maintained until August 31 st , 2022, then Academy from September 1 st , 2022)	Herefordshire Council	Schools Adjudicator	LA

1. Legal framework

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

- Equality Act 2010
- Human Rights Act 1998
- School Standards and Framework Act 1998
- DfE (2022) 'School Admission Appeals Code'
- DfE (2012) 'School Admission Appeals Code'

This policy operates in conjunction with the following Trust policies:

- Equal Opportunities Policy: Pupils
- Data Protection Policy
- Special Educational Needs and Disabilities (SEND) Policy
- SEN Information Report

2. Roles and responsibilities

The LA is responsible for:

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

The Trust Board is responsible for:

- Liaising with the LA where relevant regarding admitting pupils to the schools within the Trust
- Working with the LA when determining the capacity of schools within the Trust
- Ensuring that the LA has all the information it needs to set admissions arrangements
- Making arrangements for pupils admitted through in-year admissions to start as soon as possible
- Publishing a link to the full, determined admissions arrangements on the Trust and individual school's website

The Schools Adjudicator is responsible for:

- Acting in line with the relevant legislation and guidance pertaining to admissions

- Receiving concerns and objections regarding the admission of pupils and making recommendations to the admission authority as a result of these concerns and objections
- Approving variations to determined admissions arrangements where there has been a major change in circumstances or law

The appeals clerk is responsible for:

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

3. Admissions arrangements

The PAN

The number of places available is determined by the capacity of the individual school. The PAN for new Year 7 pupils at Queen Elizabeth High School is 80, for Reception pupils at Bredenbury Primary School it is 10 and for Reception pupils at St. Peter's Primary School it is 30.

The LA will consult with the Trust Board where it proposes to increase, decrease, or keep the same PAN. Where the LA has set a PAN lower than the Trust's wishes, the Trust Board will submit an objection to the Schools Adjudicator, where appropriate.

The Trust Board will communicate with the LA where the admission of additional children would prejudice the provision of efficient education or efficient use of resources.

Oversubscription criteria

The LA at the request of the Trust Board is responsible for determining admissions arrangements for the schools within the Trust. The oversubscription criteria are reasonable, clear, objective, procedurally fair, and compliant with all relevant legislation, including equalities legislation. This means that the oversubscription criteria will not unfairly disadvantage, whether directly or indirectly, any child based on a protected characteristic or economic disadvantage.

In the event that there are more applicants than available places for any Trust school, the LA has applied the following oversubscription criteria, in order of priority given:

- Priority 1. Looked after children (LAC) and children who were looked after in England, but ceased to be due to being adopted or became subject to a residence order or special guardianship order

- Priority 2. Looked after children (LAC) and children who were looked after outside England, but ceased to be due to being adopted or became subject to a residence order or special guardianship order
- Priority 3. Children living within the LA defined catchment area of the school
- Priority 4. Children who have an older sibling at the same Trust school, either at the time the application is made or at the time the child would be due to start
- Priority 5. Children with exceptional medical, social, or compassionate grounds for admission where the parents can show that admission to a Trust school is necessary for the wellbeing of their child
- Priority 6. Children who live nearest to the school by the shortest available walking route

Catchment areas

The point within the school grounds for any Trust school from which the school will measure any distance or radii is the door of the school reception. This point will be used to determine the school's catchment area. This will be measured using the child's primary address. The catchment area relates to the defined catchment area as determined by the LA.

We will accept pupils from outside the catchment area – oversubscription criteria will apply where applicable.

Siblings of pupils

For the purpose of this policy, "sibling" is defined as any sibling related by blood or marriage and any fostered or adopted siblings.

Where oversubscribed, priority will be given to children whose siblings are currently at the same Trust school or who attended the school within the last six years.

Where oversubscribed, priority will be given to children for whom staff members have parental responsibility, where the staff member has been employed by the school for two or more years at the time at which the application was made, and/or where the member of staff has been recruited to fill a vacant post where there is a demonstrable skill shortage. Trustees of the school are included in the staff criteria with regard to admissions for children.

Equal opportunities

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

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

Full details regarding admissions for any Three Counties Academy Trust school over and above the contents of this policy can be accessed from <https://www.herefordshire.gov.uk/schools-education/secondary-school-admissions>

A useful and comprehensive parent guide to secondary admissions for 2022 can be found here <https://www.herefordshire.gov.uk/downloads/file/21128/herefordshire-secondary-transfers-year-7-school-admissions-booklet>

For parents seeking a primary school place you will find detailed information here <https://www.herefordshire.gov.uk/schools-education/primary-school-admissions>

Admissions procedures

All Three Counties Academy Trust schools will offer open events and school visits to all potential applicants, irrespective of any protected characteristics. Where necessary, we will make reasonable adjustments for disabled applicants or disabled parents.

We will assess our ability to cater to the applicant's needs by:

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

4. Consultation, determination, and publication

Consultation

The LA will consult with the Trust Board on any proposed changes to the admissions arrangements. Consultation will last for a minimum of six weeks and will take place between 1 October and 31 January in the determination year. The LA will consult with the Trust Board on admissions arrangements at least once every seven years, even if no changes have been made in that time.

Determination and publication of admissions arrangements

The Trust will publish a link to the LA's full proposed admission arrangements and the contact details of the individual responsible for admissions liaison on its website and on the individual school's websites. The Trust Board will address any complaints about the proposed admissions arrangements to the School's Adjudicator.

Admission arrangements will be determined by 28 February in the determination year on an annual basis, even when no changes to the arrangements have been made. For Reception places the national offer day is 17 April 2023.

A link to the finalised admission arrangements will also be published on the school website by 15 March in the determination year, and we will continue to display them for the whole offer year.

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

5. Applications and offers

Applications

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

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

The CAF will be submitted to the parents' LA. Parents are not guaranteed to have their preferences met. The LA will request supplementary information for the purpose of processing applications where necessary.

Offers

All offers will be made on National Offer Day, i.e., 1 March or the next working day, where this date falls on a weekend or bank holiday for secondary and 17 April for primary.

Where a Trust school is oversubscribed, the LA will rank applications in accordance with its determined arrangements, and the qualifying scheme will ensure that only one offer will be made per child by the LA.

An offer will only be withdrawn if it has been made in error, a parent has not responded within 20 working days, or if the offer was made via a fraudulent or misleading application. Where an offer has not been responded to within the designated time frame, the LA will give the parent a further opportunity to respond and will explain that the offer will be withdrawn if they do not. If any application is found to be fraudulent after a child has started at the school in the first term of the new academic year, the school may withdraw the place. If the fraudulent application is found after this time, the pupil will not be removed.

The Executive Headteacher will assist the LA with deciding on which year group a child will enter. Once a decision has been reached, the child's parents will be informed in writing along with an explanation of how the decision was reached and any reasons why.

The school must admit all children who have an EHC plan where a Trust school is named. Children with SEND who do not have an EHC plan will be treated equally to all other applicants in the admissions process. This includes children who may need extra support or reasonable adjustments to be made. The details of our SEND provision can be found in our Special Educational Needs and Disabilities (SEND) Policy and SEN Information Report.

6. In-year admissions

All Three Counties Academy Trust schools will follow the same process for in-year admissions as for admissions at the start of the academic year.

We will publish a link to the LA's in-year admissions arrangements on the school website by 31 October 2022.

For admissions after the 2022-2023 academic year, we will publish a link to the LA's in-year admissions arrangements on the school website by 31 August each year.

Where we have places available in-year, we will offer a place to every child who has applied for one without condition or use of oversubscription criteria, unless to do so would be to prejudice the efficient provision of education or use of resources.

We will consider all such applications and if the year group applied for has space available, then a place will be offered. If a place is not available, then the child's parent can ask for their child's name to be added to the appropriate waiting list. As with admissions at the start of the academic year, parents whose applications are turned down are entitled to appeal through the process outlined below.

We will ensure that parents can access a hard copy of the information from the LA about in-year applications upon request.

We will provide the LA with details of the number of places available for any Trust school, or any supporting evidence, no later than two school days following the request of such information from the LA.

7. Waiting lists

For admissions at the start of the academic year, all Three Counties Academy Trust schools will operate a waiting list which is maintained until 31 December on year of entry. The list will set out the priority for places in the same order set out in the oversubscription criteria. When additional children are placed on the waiting list, the list will be re-ordered in line with the oversubscription criteria – no pupil will be prioritised based on when their name was added to the list.

The LA will make clear in the admissions arrangements the process for requesting admission outside of the normal age group for the admissions round.

Parents may request that their child is placed on the waiting list if they are not successful in receiving a place. Should a place become available, it will be offered to the parents of the child at the top of the list.

For in-year admissions, if there is a waiting list for that year, the child will be placed on a waiting list until a space becomes available, or the child finds a new school setting. The list will set out the priority for places in the same order as admissions at the start of the year – when a place becomes available, it will be offered to the parents of the child at the top of the list.

If a child on the waiting list is offered a position at a Trust school, the parents will be notified by letter and will have the option of accepting or rejecting the place within 28 days.

8. Admissions appeals

In circumstances where a school place is refused, parents, and in some circumstances their children, will have the right to appeal against the Trust's decision to refuse admission.

Where this is the case, the LA on behalf of TCAT, will establish an independent appeals panel to hear the appeal. The appeal panel will perform its judicial function in a transparent, accessible, independent and impartial manner, and operate according to principles of natural justice.

TCAT and the appeal panel will ensure that it acts in accordance with this Code, the School Admissions (Appeal Arrangements) (England) Regulations 2012, the School Admissions Code, other law relating to admissions, and relevant human rights and equalities legislation, for example, the Equality Act 2010.

The procedures outlined within this section will apply to all appeals lodged on or after 1 October 2022. Appeals lodged on or before 30 September 2022 will be heard in accordance with the 'School Admissions Appeals Code' 2012 and the School Admissions (Appeals Arrangements) (England) Regulations 2012, as amended.

The Trust Board will be aware of, and assist the LA where relevant with regard to, the below admissions appeals procedure.

Timetable

The LA acting for TCAT, will set a timetable for organising and hearing appeals that:

- Includes a deadline for lodging appeals which allows appellants at least **20 school days** from the date of notification that their application was unsuccessful to prepare and lodge their written appeal
- Ensures that appellants receive at least **10 school days'** notice of their appeal hearing
- Includes reasonable deadlines for appellants to submit additional evidence, for admission authorities to submit their evidence, and for the clerk to send appeal papers to the panel and parties
- Ensures that decision letters are sent within **5 school days** of the hearing wherever possible

The LA will publish the appeals timetable on their website by **28 February each year**.

The LA acting for TCAT, will ensure that appeals lodged by the appropriate deadlines are heard within the following timescales:

- For applications made in the normal admissions round, appeals will be heard within **40 school days** of the deadline for lodging appeals
- For late applications, appeals will be heard within **40 school days** from the deadline for lodging appeals where possible, or within **30 school days** of the appeal being lodged
- For applications for in-year admissions, appeals will be heard within **30 school days** of the appeal being lodged

Any appeals submitted after the appropriate deadline will still be heard, in accordance with the timescales set out in the table published by the LA.

Notifying appellants of the right to appeal and the appeal hearing

When informing a parent of their unsuccessful admissions application, the LA on behalf of TCAT, will send written notification of their decision. This will include:

- The reason why admission was refused
- Information about the right to appeal
- The deadline for lodging an appeal

- Contact details for making an appeal

Parents will be informed in the letter that, if they wish to appeal, they must make the appeal in writing. The LA will not limit the grounds on which an appeal can be made.

The LA acting on behalf of TCAT, will provide appellants with written notification of the date and all final arrangements of the appeal hearing no later than **10 school days** before the hearing. This notification will include the deadline for the submission of any further evidence that was not sent in the original appeal.

TCAT and the LA will comply with any reasonable request for information from parents to help them prepare their case for the appeals hearing.

The LA will ask appellants whether they intend to call any witnesses or be represented at the hearing and inform them that they may waive their right to **10 school days'** notice of the hearing if they so wish.

Constitution of appeals panels

As the admissions authority for Three Counties Academy Trust, the LA will appoint a clerk to the appeal panel who is independent of the Trust and our school's and the education functions of the LA. The clerk will have sufficient knowledge of the 'School Admission Appeals Code', the 'School Admissions Code', other law relating to admissions and other relevant law, as well as being able to offer advice to enable the panel to undertake its judicial function.

The appeals panel will comprise of a chair and at least **two** other panel members.

The panel will also include at least one lay person **and** one or more people with experience in education.

In accordance with 'The School Admissions (Appeal Arrangements) (England) Regulations 2012, the clerk to the panel will ensure that no disqualified person is allowed membership of the panel. A person will be disqualified if they are:

- A member of the LA which is the admission authority or LA in whose area the school is located
- A member or former member of the governing board of the school or the Trust
- An employee at the LA or governing board of the school, other than a teacher or TA
- Any person who has, or at any time has had, any connection with the LA, Trust, school or LA who may not act impartially
- Any person who has not attended training required by the LA arranging the appeals panel

The LA will ensure that panel members and clerks will not take part in hearings until they have received appropriate training as outlined within the School Admissions Appeals Code'.

The LA will ensure that panel members are independent from the Trust and school and will remain independent for the duration of their service.

The chair of the appeals panel is responsible for the conduct of the hearing, including introducing parties, explaining the roles of the clerk and the panel and how the hearing will be

conducted, and ensuring that parties have sufficient opportunity to state their case and ask questions.

Three Counties Academy Trust, through the LA will indemnify the members of the appeals panel against any legal costs and expenses they incur in connection with any decision taken in good faith whilst acting as a member of the appeals panel.

Members of the appeals panel will be eligible to receive travel and subsistence allowances where applicable, and will, where appropriate, be compensated for any loss of earnings or expenses.

Evidence

All evidence relating to the appeal hearing will be passed on to the clerk. This evidence will include details of:

- How the admission arrangements and the co-ordinated admissions scheme apply to the appellant's application
- Reasons for the decision to refuse admission
- How the admission would cause prejudice to the education provision of the school

The clerk will send all the papers required for the hearing to both parties and the members of the panel seven days before the hearing.

Attendance and representation

It will be the LA's responsibility to make arrangements for appeal hearings in acting as the admission's authority for Three Counties Academy Trust. Appeal hearings may be held in person, remotely by video conference or a mixture of the two (a hybrid hearing).

Appeal hearings held entirely by telephone will only be permitted where video conferencing cannot be used relating to connectivity or accessibility and if the appellant and presenting officer both agree.

Regardless of the forum chosen, appeal panels will allow appellants the opportunity to make oral representations.

Three Counties Academy Trust will provide a presenting officer to attend the hearing and present TCAT's case to the panel, ensuring that this person is a member of staff who is well acquainted with the school.

The presenting officer will be responsible for relaying to the attendees the decision not to admit the child, and answer questions where necessary, either in person or remotely

Appellants may attend in person or be represented by another individual. Where appellants cannot attend, a decision will be made based on the written evidence.

Appeals hearings

Where appeal hearings are held in person, the LA will take all reasonable steps to ensure the venue is appropriate, accessible to appellants, and has a suitable area for appellants and presenting officers to wait separately from the panel before and between appeals.

Appeal hearings that are held remotely will be held in such a way that means the appeal is capable of being heard fairly and transparently. Attending parties will be able to present their cases fully and the LA will be satisfied that each participant has access to facilities that allow them to engage in the hearing at all times.

Where a hybrid hearing is to take place, the arrangements above will be complied with as appropriate.

Hearings, whether conducted in-person or remotely, will be held in private.

The order of appeal hearings will be as below:

- Case for the Three Counties Academy Trust school
- Questioning by the appellant(s) and panel
- Case for the appellant(s)
- Questioning by the LA and panel
- Summing up by the LA
- Summing up by the appellant(s)

Reaching a decision

When reaching a decision, the LA will follow the specific two stage process outlined in section three of the 'School Admission Appeals Code'.

In cases where Three Counties Academy Trust has refused to admit a child on the grounds that admitting an additional child would breach the infant class size limit and there are no measures that can be taken to avoid this without prejudicing the provision of efficient education or efficient use of resources, the two-stage process outlined in Section four of the 'School Admission Appeals Code' will be followed.

Decisions will be decided by a simple majority of votes cast. If votes are split equally, the chair will make the casting vote. The panel will either uphold or dismiss an appeal and will not uphold an appeal subject to any specified conditions.

To communicate the decision made, the panel will send a letter to the appellant, signed by the clerk or chair of the appeals panel, no later than **five school days** after the decision has been made.

The decision letter will contain clear reasons for the panel's decision and a summary of the relevant factors raised by the parties and considered during the hearing. In the case of applications outside the normal admissions round, Three Counties Academy Trust will ensure that the pupil is admitted to the school without unnecessary delay.

Appeals by the parent of a child with an EHC plan against the choice of school named in the EHC plan will be considered by the First-tier Tribunal (SEND) and not the appeals panel.

In cases where there are multiple appeals, the LA acting for Three Counties Academy Trust will ensure that, where possible, all appeals are heard by the same appeals panel with the same members, and that no decisions are made until all the appeals have been heard.

In all hearings the clerk to the panel will ensure that an accurate record is taken of the points raised at the hearing, including the proceedings, attendance, voting and reasons for decisions. These notes will be kept securely by the LA for a minimum of two years and are, in most cases, exempt from disclosure under the Freedom of Information Act 2000 and the Data Protection Act 2018.

Further appeals and complaints

Appellants will not have the right to more than one appeal in respect of the same school for the same academic year unless, in exceptional circumstances, TCAT has accepted a second application from the appellant due to a material change in the circumstances of the parent, child or school but still refused admission. Appellants can apply for a place at the school for a different academic year.

Appellants may complain about maladministration on the part of an appeal panel to the Local Government and Social Care Ombudsmen. The LA will inform parents about the arrangements for making a complaint.

9. Monitoring and review

This policy will be reviewed by the Trust Board on an annual basis. Any changes to this policy will be communicated to all staff and other interested parties.

The next scheduled review date for this policy is 8th March 2024.

Signed by:

_____	Executive Headteacher	Date: _____
_____	Chair of Trustees	Date: _____