



# **Admissions Policy**

**For Admissions from September 2023**

## **1. Introduction**

At Firs Primary School we value and appreciate our very diverse community and believe that every child has the potential to achieve academic success.

Through our curriculum and school ethos we support each child to feel secure, supported and loved, enabling them to achieve social and emotional wellbeing.

We are proud of all our children and endeavour to make them feel proud of themselves, their school and their cultural heritage, recognising their individuality, personal strengths and creativity.

As part of our Firs family we encourage positive attitudes, independence and high aspiration, ensuring every member of our family knows the value they can add to society.

At Firs Primary School, we welcome all pupils, and places at the school are offered in an open, fair, clear and objective manner in accordance with the legal framework. We work to the principle that any parent accessing our admissions arrangements will be able to understand easily how places for our school will be allocated and will not be alienated or discouraged from applying based on admissions criteria.

DDAT is the Admissions Authority for school. All matters relating to admissions have been delegated and are carried out by the Local Governing Body of Firs Primary School on behalf of the Academy Trust.

Any objections in respect of the admissions arrangements not complying with the legal framework can be made to the Officer of the Schools Adjudicator.

## **2. 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 (2021) 'School Admissions Code'
- DfE (2012) 'School Admission Appeals Code'

## **3. Roles and Responsibilities**

The Local Governing Body is responsible for:

- Acting in accordance with the relevant legislation and guidance when carrying out the overall admission of pupils into the school.
- Overseeing, and determining annually, admissions arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applicants than places at the school.
- Ensuring that oversubscription criteria do not discriminate against any child.

- Ensuring that the practices and criteria used to decide the allocation of school places are fair, clear and objective.
- Publishing the admissions arrangements on the school website, including the oversubscription criteria.
- Publicly consulting on any proposed changes to the admissions arrangements as required by law.
- Clearly communicating any reasons for rejecting the admission of a pupil, as well as the parent's right to appeal and the appeal process to an Independent Admissions Panel.
- Implementing any advice or recommendations given by the Schools Adjudicator without undue delay.

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

The Headteacher is responsible for:

- Liaising with the Local Governing Body where relevant regarding admitting pupils to the school.
- Working with the Local Governing Body when determining the school's capacity.
- Ensuring that the Local Governing Body has all the information it needs to set admissions arrangements and participate in LA coordination schemes.
- Making arrangements for pupils admitted through in-year admissions to start as soon as possible.

#### **4. Determining a PAN**

The number of places available is determined by the capacity of the school. The normal PAN for new Reception pupils is 60.

The school will publish its PAN annually. The Local Governing Body will notify the LA of any increases to the agreed PANs and will reference the changes on the school's website. The Local Governing Body

will consult on any proposal to decrease the school's PAN – consultation will not occur where it is proposed to increase or keep the same PAN.

If the Local Governing Body decides that it can accept more pupils than laid out in its PAN, it will notify the LA in good time so that the LA can deliver its coordination responsibilities effectively.

Where the number of applicants is less than the PAN then all children will receive a place. Where PAN has been reached then the oversubscription criteria will be applied. Any person with parental responsibility can appeal any refusal to admit to an Independent Appeals Panel which is completely independent of the school.

## 5. Oversubscription Criteria

The Local Governing Body will aim to ensure that 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, the school will apply the following oversubscription criteria, in order of priority given:

- Looked After Children (LAC) and previously LAC, including those who have been in state care outside of England and ceased to be in state care as a result of being adopted
- Children who have brothers or sisters\* of compulsory school age still attending the school at the time of their admission.
- Other children living in the catchment area\*\* at the time of admission. The Council will assess applications for the address the parents are living at the closing date, and will reassess applications on the National Offer Date.
- Children who do not live in the catchment area served by the school but who have brothers or sisters of compulsory school age still attending the school at the time of their admission.
- Other children whose parents have requested a place.
- Children whose parents did not request a place by the closing date.

All pupils who have named the school in their EHC plan will be admitted.

### Definitions

*\* Brothers or sisters (siblings): For the purposes of admissions, we class a brother or sister as having:*

- *one or both natural parents in common*
- *are related by a parent's marriage or are adopted or fostered.*

**Note: A brother or sister must be living at the same address. Cousins are not classed as brothers or sisters.**

**\*\*Catchment Area: Catchment areas in Derby can be seen by going to [www.maps.derby.gov.uk](http://www.maps.derby.gov.uk) (type an address into 'search' bar > map layers > education > choose **either** 'primary' or 'secondary').**

### Tie-Breaker

If there is a 'tie-breaker' between oversubscribed pupils, the school will follow a fair, clear and effective procedure by allocating the place to the pupil who lives closest to school.

Distance will be measured from the front door of the child's home address to the main entrance of the school using the Local Authority's Geographic Information System. Those living closer to the school receive the higher priority. If the distance between two or more children's houses and the school is the same, the allocation of the place will be made by the drawing of lots.

### **Home Address**

For admission purposes, the home address is the child's permanent address, where the child usually lives with their parent or carer. You must not use any other address on your application, including using the address of a childminder or relative or renting a property for a short period of time as this could be considered as using a fraudulent address. Any queries about addresses will be investigated and, depending on findings, the school place offer may change.

Only one address can be used on your application for a school place. Where shared care arrangements are in place, both parents must agree which address will be used on the application, and this should be the address where the child lives for the majority of the school week. If no joint declaration is received by the closing date for applications, the address where the child spends the majority of the school week will be used. In instances where the child spends equal time with each parent, the home address will be taken as the address where the child is registered with the doctor.

When we make an offer, we assume your address will be the same when you take up the school place in September. If you plan to move house, you must still use your current address on your application. As soon as you move house, you must tell us your new address, providing proof of your house move (including evidence of entry to the new address and exit from the old address) as this may mean we have to change the school place offer.

If it is found that an intentionally misleading or false address has been given with the aim of fraudulently securing a school place, that place may be withdrawn, even if the child has already started at the school.

Attendance at the nursery does not guarantee a place in the primary school. A separate application form must be completed on transfer from the Nursery to the Primary / Infant School.

### **Infant Class Size Regulations**

Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher. Additional children may only be admitted under very limited exceptional circumstances.

### **Deferred Entry**

All places offered by the school will be offered on a full-time basis from the September following a child's fourth birthday. Parents/carers can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which the offer was made.

Parents/carers may also request for their child to attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.

### **Admission of Children Outside their Normal Age Group**

A request may be made for a child to be admitted outside of their normal age group for example if the child is gifted and talented or had experienced problems such as ill health. In addition, the parents of a summer born child (a child born between 1<sup>st</sup> April and 31<sup>st</sup> August) may request that the child be admitted out of their normal age group, e.g. to reception rather than year 1.

Parents should apply in the normal admission round and also submit a written request addressed to the Chair of Governors specifying why admission out of normal year group is being requested and the year group in which they wish their child to be allocated a place.

When such a request is made, the Governors will make a decision on the basis of the circumstances of the case and in the best interests of the child concerned, taking into account the views of the headteacher and any supporting evidence provided by the parent.

There is no right of appeal against a decision relating to admission out of chronological age.

### **Children of Multiple Births**

Where the final place to be allocated within the Published Admission Number would separate children of multiple births a place(s) will also normally be offered to the other child/children.

### **Fair Access Protocols**

Local Authorities are required to have Fair Access Protocols in order to make sure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. This includes admitting children above the published admissions number to schools that are already full.

### **Equal Opportunities**

The Local Governing Body 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 Local Governing Body can justify how this is a proportionate means of achieving a legitimate aim.

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

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

## **6. Consultation, Determination and Publication**

### **Consultation**

The Local Governing Body will consult 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 trust board will consult on admissions arrangements at least once every seven years, even if no changes have been made in that time.

The Local Governing Body will consult with the following:

- Parents of children between the ages of two and 18
- Other admission authorities within the relevant area
- The LA
- Any LAs in which pupils have historically come from
- The individual representing the religion or religious denomination of the school.
- Any other stakeholders.

### **Determination and Publication of Admissions Arrangements**

When formulating the school's admission arrangements, the Local Governing Body will not:

- Place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.
- Take into account any previous schools attended unless it is a named feeder school.
- Give priority to children whose parents rank preferred schools in their application.
- Introduce any new selection by ability.
- Give priority to children based on any practical or financial support their parents give to the school or associated parties, including any affiliated religious organisation.
- Give priority to children according to the occupational, marital, financial or educational status of parents applying – apart from where these factors determine a child's pupil premium eligibility.
- Take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement, or that of any other children in the family.
- Discriminate against any protected characteristic.
- Give priority based on a child's or their parents' past or present hobbies or activities.
- Name fee-paying independent schools as feeder schools.
- Interview children or parents.
- Request financial contributions as part of the admissions process.
- Request photographs of children – apart from for proof of identity when sitting selection tests.

The Local Governing Body will publish a copy of the full proposed admission arrangements and the contact details of the individual responsible for admissions liaison on the school website. A copy of the proposed admission arrangements will be made available upon request.

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.

The Local Governing Body will notify all appropriate bodies of the finalised admissions arrangements when they have been determined. A copy of the finalised admission arrangements will be sent to the LA for entry by 15 March in the determination year. Finalised admission arrangements will also be published on the school website by 15 March in the determination year and will continue to be displayed for the whole offer year.

A copy of the admission arrangements will be sent to the individual or body representing the school's religious character.

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

The Local Governing Body will provide the LA with all of the information it needs to compile the composite prospectus by [8 August] in the determination year.

### **Variations**

The Local Governing Body will not revise the admissions arrangements for a school year once they have been determined, unless this would be necessary to give effect to a mandatory requirement, a determination of the Schools Adjudicator, or any misprint in the admission arrangements.

The Local Governing Body may, in exceptional circumstances, propose variations where there have been major changes in circumstances that necessitate a change.

Any proposals to vary the admissions arrangements will be referred to the Secretary of State.

## **7. Applications and Offers**

### **Applications**

Parents will be provided with a common application form (CAF) by the LA where they will note their preferred schools, 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 Local Governing Body will request supplementary information for the purpose of processing applications, where necessary; however, it will not request any of the following:

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



Once a place has been offered, the Local Governing Body may ask for the child's short birth certificate as proof of birth date.

The school will never give priority to applications solely on the basis that they have completed a supplementary form.

For previously LAC (PLAC) and LAC, the Local Governing Body will request a copy of the adoption order, child arrangements order or special guardianship order, and a letter from the LA confirming that the child was looked after immediately prior to the order being made.

The school may request evidence that demonstrates a child was in state care outside of England prior to being adopted.

### **Allocating Places**

The Local Governing Body will only allocate places on the basis of determined admissions arrangements. Any decisions to offer or refuse places will be decided by the Local Governing Body or an admissions committee established by the Local Governing Body. A clear record will be kept of all decisions made on applications, including in-year applications.

The Local Governing Body will not refuse admission for a child on the basis that:

- They have applied later than other applicants.
- They are not of the faith of the school.
- They followed a different curriculum at their previous school.
- Information has not been received from their previous school.

Pupils not of usual school age will not be given less of a priority where the school is oversubscribed.

In the event that parents of a child wish for their child to be admitted outside their normal age group, the school's headteacher will assist the Local Governing Body in deciding on which year group the 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.

For children of UK service professionals and crown servants, the following procedure will be adhered to:

- A place will be allocated to the child in advance of the family arriving in the area named in the application form, where one is available.
- The application must be accompanied with an official letter confirming the relocation date.
- The address at which the child will live will be used when considering the application against the oversubscription criteria – a Unit or quartering address must be used where this is requested by the child's parent.
- The application will not be refused on the grounds of the child not currently living in the area or not currently having an intended address, nor will places be uniquely reserved.
- The arrangements for service children will be in line with the government's commitment to removing disadvantage for service children.

The school must admit all children who have an EHC plan where the 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 the school's SEND provision can be found in our Special Educational Needs and Disabilities (SEND) Policy and SEN Information Report.

### **Offers**

All offers will be made on National Offer Day, i.e. 16 April or the next working day where this date falls on a weekend or bank holiday.

Where the school is oversubscribed, the Local Governing Body will rank applications in accordance with the determined arrangements, and will ensure that only one offer will be made per child by the LA.

### **Withdrawing an Offer**

An offer will be withdrawn if it has been made in error, or if the offer was made via a fraudulent or misleading application. 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.

## **8. Co-ordination Scheme**

The LA will publish a scheme to coordinate admissions arrangements for the normal admissions round and late applications by 1 January in the determination year. The LA will consult with the Local Governing Body in the event that the scheme is changed substantially from the previous year. The LA will also consult with the Local Governing Body and other admissions authorities in the area at least every seven years, even if no changes have been made in that period.

DDAT and the school are under a legal obligation to participate in coordination for the normal admissions round and will provide the LA with all information it needs to coordinate admissions.

## **9. In-year Admissions**

The school will follow the same process for in-year admissions as for admissions at the start of the academic year.

The Local Governing Body will publish in-year arrangements on the school website by 31 August each year, detailing how applications will be dealt with between 1 September until the following 31 August. These arrangements will set out how parents can apply for a school place.

Where the school has places available in-year, it 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.

Applications can be made in year to the Local Authority – instructions on how to do this are provided on the Local Authority website: [www.derby.gov.uk](http://www.derby.gov.uk).

The school 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.

The Local Governing Body will notify all parents within 15 school days of receipt of an in-year application of the outcome of this application. The school will notify the LA of every application and its outcome within two school days or as soon as is reasonably practicable beyond this.

Where an offer is accepted, the school will make arrangements for the pupil to start as soon as possible.

### **LA in-year Co-ordination Scheme**

The school will inform the LA by 1 August of whether it will participate in the LA's in-year co-ordination scheme and will send any relevant information for the LA to publish on its website.

Where the school is participating in the LA coordination scheme, the school will provide the LA with details of the number of places available no later than two school days following the request of such information from the LA. The school will also provide information to parents about how they can find details on the relevant scheme.

## **10. Waiting List**

For admissions at the start of the academic year, the school 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 Local Governing Body 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. Where a place becomes 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 the school, the parents will be notified by letter and will have the option of accepting or rejecting the place.

## **11. Admissions Appeals**

When informing a parent of their unsuccessful admissions application, a letter will be sent which includes the reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal. Parents will be informed in the letter that, if they wish to appeal, they must make the appeal in writing. Grounds for appeal are not limited.

### **Constitution of Appeals Panels**

The Local Governing Body will make appropriate arrangements to establish an independent appeal panel to hear appeals. The appeals panel will act in accordance with all relevant legislation and guidance. The judicial function of the appeals panel will be transparent, accessible, independent and impartial, and will operate in accordance with the principles of natural justice.

A clerk will be appointed to the appeals panel who is independent of the school and the education functions of the LA.

The appeals panel will comprise a chair and at least two other panel members. The panel will also include at least one lay person and a person who has experience in education. The chair of the appeals panel is responsible for the conduct of the hearing, including introducing parties, explaining individual roles and how the hearing will be conducted, and ensuring that parties have sufficient opportunity to state their case and ask questions.

Panel members will be independent from the school and will remain independent for the duration of their service. The clerk is responsible for assigning members of the appeals panel; however, they will not assign the following disqualified persons:

- A member of the LA in whose area the school is located
- A member or former member of the Trust Board or Local Governing Body of the school
- An employee of the LA or the Trust Board, other than a teacher or TA
- Any person who has, or at any time has had, any connection with the Trust Board, Local Governing body, school or LA who may not act impartially
- Any person who has not attended training required by the Local Governing Body and/or Trust Board.

There will be three members of the panel available at all times during the appeals process. If any member has to temporarily withdraw, the hearing will be postponed until the panel member returns. If the panel member is unable to return, they will be replaced, and the appeals will be reheard.

The appeals panel must not have a vested interest in the outcome of the hearing.

### **Appeals Hearings**

The Local Governing Body will publish an appeals timetable on the school website by 28 February each year. The timetable will comply with section three of the 'School Admission Appeals Code'. Appeals will be lodged and heard for the normal admissions round within 40 school days of the deadline for lodging appeals.

For late applications, appeals will be heard between 30-40 school days of the appeal being lodged. For in year admissions, appeals will be heard within 30 days of the appeal being lodged.

Appellants will be provided with written notification of the date and all final arrangements of the appeal hearing, including a deadline for the submission of any further evidence that was not sent in the original appeal.

The Local Governing Body will comply with any request for information to help parents prepare their case for the appeals hearing.

All evidence relating to the appeal hearing will be passed on to the clerk, including the admission process, reasons for the decision and how the admission would cause prejudice to the education provision of the school. 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.

The presenting officer will be responsible for relaying to the attendees the decision not to admit the child, and answer questions where necessary.

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.

Appeal hearings must be private and held in an accessible location. The order of the appeals will be:

- Case for the School.
- Questioning by the appellant(s) and panel.
- Case for the appellant(s).
- Questioning by the school and panel.
- Summing up by the school.
- Summing up by the appellant(s).

Multiple appeals will be heard, either individually or in groups, by the same appeals panel where appropriate. Notes of the hearing will be made and kept securely for a minimum of two years. These notes are, in most cases, exempt from disclosure under the Freedom of Information Act 2000 and the Data Protection Act 2018.

### **Reaching a Decision**

When reaching a decision, the appeals panel will have due regard to section three of the 'School Admission Appeals Code'.

Appeals decisions will either be upheld or dismissed – there will be no conditional decisions made, in line with section 94(6) of the School Standards and Framework Act 1998. The final decision will be decided by a simple majority. If votes are split equally, the chair will make the casting vote.

The final decision and accompanying reasons will be communicated in writing to the appellant, Local Governing Body and the LA. The decision letter will be signed by the clerk or chair of the appeals panel and sent no later than five school days after the decision has been made.

If a child has been refused admissions due to any SEND, this will be considered by the First-tier Tribunal (SEND) and not the appeals panel.

The Local Governing Body will have due regard for the two-stage process outlined in the 'School Admission Appeals Code' when negotiating appeals regarding infant class sizes.

### **Complaints**

Appellants do not have the right to more than one appeal in respect of the school for the same academic year unless, in exceptional circumstances, the Local Governing Body 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.

If appellants have an issue with the appeal process, they can complain to the Secretary of State.