



**CLAYTON HALL**  
ACADEMY

**Policy Title: Admission 2024/25**

(Statutory Policy)

Review Date:	Annual
Responsible for Day to Day Management:	D Kay
Responsible for Review:	D Kay

**Admission Arrangements for Clayton Hall Academy**

**Normal Age of Entry: Academic Year 2024/25**

Although parents have the right to express a preference for the school that they wish their child to attend, there is no guarantee of a place being offered at their preferred school.

It is Clayton Hall Academies policy to try and meet parents' wishes where possible, however in some cases there may be more applications than there are places available.

Admission to oversubscribed schools is determined by the oversubscription criteria given below.

## **Oversubscription Criteria**

If the total number of preferences for admission to a school exceeds the school's Published Admission Number (PAN), the following order of priority is used to allocate the available places. (N.B., after applying the oversubscription criteria, where an applicant can be offered a place at more than one preferred school then they will be offered a place at the school ranked highest on their application.)

1) Children in care and children who ceased to be in care because they were adopted (or became subject to a child arrangements order or special guardianship order), 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

2) Children who satisfy both of the following tests:

Test 1: the child is distinguished from the great majority of applicants either on their own medical grounds or by other exceptional circumstances.

Medical grounds must be supported by a medical report (obtained by the applicant and provided at the point of application). This report must clearly justify, for health reasons only, why it is better for the child's health to attend the preferred school rather than any other school.

Exceptional circumstances must relate to the choice of school and the individual child, i.e. the circumstances of the child, not the economic or social circumstances of the parent/carer. It should be supported by a professional report (obtained by the applicant and provided at the point of application), e.g. social worker. This report must clearly justify why it is better for the child to attend the preferred school rather than any other school.

Test 2: the child would suffer hardship if they were unable to attend the preferred school.

Hardship means severe suffering of any kind, not merely difficulty or inconvenience, which is likely to be experienced as a result of the child attending a different school. Applicants must provide detailed information about both the type and severity of any likely hardship at the time of application.

3) Children who have an elder sibling in attendance at Clayton Hall Academy and who will still be attending the school at the proposed admission date; (For admission purposes, a brother or sister is a child who lives at the same address and either: have one or both natural parents in common; are related by a parents marriage; are adopted or fostered by a common parent or are unrelated children who live at the same address, whose parents live as partners.)

4) Children living within the catchment area of the preferred school

5) Other children arranged in order of priority according to how near their home addresses are to the main gate of the school, determined by a straight-line measurement as calculated by the Local Authority's Geographical Information System.

Where it is not possible to accommodate all children applying for places within a particular category then the Governing Body/Admitting Authority will allocate the available places in accordance with the remaining criteria. If for instance, all the catchment area children cannot be accommodated at a school, children who are resident within the catchment area will be arranged in order of priority according to distance i.e. category (5).

### **Additional Notes**

Copies of school catchment area maps are available from the Local Authority or individual schools.

There is no charge or cost related to the admission of a child to a school.

Admissions are administered through a coordinated admission scheme and preferences for community, controlled, aided and foundation schools will be processed centrally by the School Admissions and Transport Service. Each pupil will receive one offer of a place at a maintained school.

In accordance with legislation, children who have a statutory statement of special educational need or an Education, Health and Care Plan (EHCP) that names a particular school as being the most appropriate to meet the child's needs must be admitted to that school. This will reduce the amount of places available to other applicants.

Children in Care means children who are in the care of, or provided with accommodation by a local authority in accordance with section 22(1) of the Children Act 1989 at the time of making the application.

It is the applicant's responsibility to provide any supportive information required in order for the application to be assessed against the published admissions criteria, the Local Authority will not seek to obtain this information of behalf of the applicant.

The Local Authority uses a Geographical Information System (GIS) to calculate home to school distances in miles. The measurement is calculated using Ordnance Survey (OS) data from an applicant's home address to the main front gate of the school. The coordinates of an applicant's home address are determined using the Local Land and Property Gazetteer (LLPG) and OS Address Point data.

The home address is considered to be the child's along with their parent's main and genuine principal place of residence at the time of the allocation of places i.e. where they are normally and regularly living. If a child is resident with friends or relatives (for reasons other than legal guardianship) the friends or relatives address will not be considered for allocation purposes.

Where parents have shared responsibility for a child, and the child lives with both parents for part of the school week, parents will be required to provide documentary evidence to support the address they wish to be considered for allocation purposes.

It is expected that parents will agree on school places before an application is made, and it may be necessary to request evidence to confirm that this is the case. The local authority is not in a position to intervene in disputes between parents over school applications and will request that these are resolved privately.

If a place is offered on the basis of an address that is subsequently found to be different from a child's normal and permanent home address then that place is likely to be withdrawn.

If there are a limited number of spaces available and we cannot distinguish between applicants using the criteria listed, such as in the case of children who live in the same block of flats, then the child or children who will be offered the available spaces will be randomly selected. This process will be independently verified.

Any Staffordshire child not obtaining a place at any of their parents preferred schools will be allocated a place at their catchment area school (if places remain available) or the next nearest school with a space available and advised about the independent appeals process.

### **Waiting lists**

Unsuccessful applicants will be placed on a waiting list in accordance with the oversubscription criteria stated above and not based on the date their application was received. If places become available after the offer date they will be offered according to the child at the top of the waiting list.

Waiting Lists will be kept until the end of the autumn term of admission. No other waiting lists will be maintained.

Inclusion on a school's waiting list does not mean that a place will eventually become available at the preferred school.

A child's position on a waiting list is not fixed and is subject to change during the year i.e. they can go up or down the list since each added child will require the list to be ranked again in line with the oversubscription criteria listed above.

Children who are subject of a direction by a local authority to admit or who are allocated to a school in accordance with the Fair Access Protocol will take precedence over those on the waiting list.

### **Late Applications**

Application forms received after the closing date will be considered alongside those applicants who applied on time wherever possible. Where it is not practicable because places have already been allocated, or are shortly to be allocated, then late applicants will be considered only after those applicants who applied by the published closing date.

A late application does not affect the right of appeal or the right to be placed on a school's waiting list.

### **Admission outside of the normal age group**

Parents may seek to apply for their child's admission to school outside of their normal age group, for example if the child is exceptionally gifted and talented or has experienced problems such as ill health.

These parents will need to make an application alongside children applying at the normal age which should explain why it is in the child's best interest to be admitted outside of their normal age which may include information such as professional evidence as to why this is the case and why an exception should be made in the case of the child. A decision as to

whether this is an appropriate course of action will be made by the Local Governing Body taking into account the circumstances of the case and views of the headteacher. Parents do not have the right to insist that their child is admitted to a particular year group.

### **Repeat Applications**

Parents do not have the right to a second appeal in respect of the same school for the same academic year unless, in exceptional circumstances, the local authority has accepted a second application from the appellant because of a significant and material change in the circumstances of the parent, child or school but still refused admission.

### **“In-Year Transfer” Arrangements**

Parents or carers seeking to transfer to Clayton Hall Academy may make an application using the appropriate application form sent directly to the school. This application will be processed in line with the procedure outlined in the determined admission arrangements and parents and carers need to be aware that any date set for joining the new school may be after the next term or half term holiday and those parents/carers are responsible for ensuring that their child continues to receive appropriate education in the interim.

## Admission Arrangements for Clayton Hall Academy

### Published Admission Numbers **2024/25**

A school's Published Admission Number (PAN) reflects the number of children to be admitted at the normal age of entry and should only be exceeded in exceptional circumstances and with prior agreement from the Local Authority.

<b>DfE N°</b>	<b>School</b>	<b>PAN 2023/24</b>	<b>FTE Nursery Capacity</b>
4094	Clayton Hall Academy	200	

Staffordshire County Council's School Admissions and Transport Service (SA&TS) will coordinate all admissions at all maintained schools in Staffordshire, including all Voluntary Aided, Foundation, Trust as well as Academy Schools in respect of applications for school places at the normal age of entry.

Staffordshire County Council is the relevant admissions authority for all community and voluntary controlled schools within the County of Staffordshire.

The individual governing body is the relevant admissions authority for foundation, voluntary aided, trust and academy trust for academy schools within Staffordshire.

In accordance with regulations, admissions to Middle Schools at the normal age of entry will be coordinated in accordance with the primary school timetable.

### **The Scheme**

1. This scheme meets the requirement for a coordinated admission scheme under The School Admissions (Co-ordination of Admission Arrangements (England)) Regulations 2012 and applies to applications made by Staffordshire parents for all maintained schools and Academies at the normal age of entry (except special schools and nurseries).
2. The purpose of the scheme is to ensure that, so far as is reasonably practicable,
  - i) each parent who applies for a school place at the normal age of entry receives only one single offer of a school place under the scheme, whether that be at a school within the county or one maintained by another authority, and
  - ii) a child is granted admission to whichever of the schools that is ranked highest on that application wherever possible.
3. Parents of children resident in the County of Staffordshire must make an application for the normal age of entry through Staffordshire County Council to apply for any school within Staffordshire or in another authority.

### **Applying for School Places at the Normal Age of Entry**

4. Staffordshire County Council's School Admissions and Transport Service will provide a common application form to enable parents to apply for any school within the County or in another local authority. Parents will also be able to apply online or on the telephone.
5. Staffordshire parents will be able to name up to three school preferences, rank them in order of preference and have the opportunity to give reasons for their preferences. Parents must name all schools at which they wish to be considered for a place in order of preference, including any maintained foundation, trust, voluntary aided or any schools outside of Staffordshire in another local authority including academies.
6. Any Staffordshire school that receives an application directly must ensure that it is forwarded to the School Admissions and Transport Service.

### **Applying For School Places In-Year**

7. An application form can be obtained from any of the following sources;
  - Child's current school (if in Staffordshire) or preferred school
  - Customer Contact Centre Service(0800 111 8007)
  - From Staffordshire County Council's website  
[www.staffordshire.gov.uk/admissions](http://www.staffordshire.gov.uk/admissions)
8. The application form will enable parents to apply for a school of their preference, and to provide their name and address and the name, address and date of birth of the child and also to include any documentary evidence in support of the application. The application form will also allow the parents to give reasons for the preference. Parents must apply directly to all schools for which they wish to be considered for a place, including any maintained foundation, voluntary aided, trust, academy or any schools outside the County of Staffordshire.
9. Any Staffordshire school that receives an application directly must ensure that the Local Authority is notified of the application and subsequent outcome.

### **Supplementary Application Forms**

10. Where an in-year application is made for a school for which the Governing Body are the admission authority, the application must be forwarded together with supporting information provided by the parent, to the Governing Body. The Governing Body of a foundation, voluntary aided, trust or academy school may require parents who make an application to provide supplementary information in order to apply their own admissions policy.
11. Parents are under no obligation to forward supplementary information, unless it is required to enable the Governing Body to apply their oversubscription criteria.
12. Where supplementary information is required for applications at the normal age of entry it must be returned to the School Admissions and Transport Service along with a valid application so that all information can then be passed to the relevant admissions authority.
12. For applications made for the normal age of entry, where documentary evidence in support of the application is received or a school receives supplementary information then it will not be regarded as a valid application, unless the parent has also completed an application with Staffordshire County Council.
13. Where documentary evidence in support of the application or supplementary information is received directly by a foundation, voluntary aided, trust or academy school for the normal age of entry, the school must inform the School Admissions and Transport Service immediately so that it can verify whether an application has been received and if this is not the case then, the parent can be contacted and requested to complete an application.

### **Closing Date for Return of Applications – Normal Age of Entry**



14. All secondary school applications should be submitted by the national closing date of 31 October 2023.

### **Processing Applications – Normal Age of Entry**

15. By 10 November 2023 for Secondary applications, the School Admissions and Transport Service will have forwarded and received all details of appropriate applications to and from other Local Authorities and will merge this information into the admissions database.
16. By 1 December 2023 for Secondary applications the School Admissions and Transport Service will have forwarded all details of appropriate applications (and accompanying supplementary application forms where provided) to academy, trust, aided and foundation schools in Staffordshire. The School Admissions and Transport Service will then draw up preference lists for all community and voluntary controlled schools by applying the County Council's oversubscription criteria.
17. Each school which is its own admission authority will apply their oversubscription criteria to all applications and by December 2023 (Secondary Schools) and March 2024 (Primary Schools) will forward a list of all applicants to the School Admissions and Transport Service indicating the rank order in which all children meet the school's oversubscription criteria along with an indication of which oversubscription criteria apply to each child.
18. The School Admissions and Transport Service compares the ranked lists from all schools. After applying the oversubscription criteria for each stated preference, where a child qualifies for a place at more than one school, the School Admissions and Transport Service will allocate a place at the parent's highest ranked preference. The child would then be removed from the other school's lists and if there were other children awaiting places at that school the list would be adjusted accordingly taking the next applicant in the order of the oversubscription criteria.
19. By January 2024 (Secondary Schools) the initial results of places in Staffordshire schools will be known. These will be shared with other Local Authorities and exchanged for details of Staffordshire pupils gaining places at Out of County schools.
20. These results are then compared to rankings and a list of provisional offers will be produced.
21. Local Authorities will then repeat the process set out in 19 to 22 and exchange final results in February 2024 (Secondary Schools).

### **Decisions**

22. On 1 March 2024 the School Admissions and Transport Service will notify all Staffordshire parents who have applied for a Secondary School at the normal age of entry of the outcome of their preference and make a single offer of a school place.
23. All Staffordshire parents who have applied for a place in a Primary, Infant/Junior, First or Middle School at the normal age of entry will be notified in April 2024
24. Offers of school places being made to Staffordshire children for the normal age of entry on behalf of a Voluntary Aided School, a Foundation, Trust or Academy school or a school in another Authority will be sent by Staffordshire County Council on behalf of the relevant admission authority.

25. Children resident in other Local Authorities who have made preferences for schools within Staffordshire for the normal age of entry will be notified of the outcome of their request by their home Local Authority.
26. Where a Staffordshire child does not qualify for admission to any of their preferred schools and is also not on the roll of a school within a reasonable distance of the home address, an alternative school will be offered in conjunction with the relevant admission authority.
27. Where refusals are made for Staffordshire schools, parents will be given information about the appeal process.
- 28.. Where refusals are made on behalf of other Local Authorities further information will be provided to parents to enable them to appeal, should they wish to do so.

### **Waiting Lists and Late Applications**

29. Staffordshire County operates a waiting list for any Community or Voluntary Controlled School that is oversubscribed at the normal age of entry. Details are provided within our school admissions policy.
30. Please note that, Academies, Trust, Voluntary Aided and Foundation Schools are responsible for deciding whether to operate a waiting list and how their waiting list will operate.
31. Staffordshire County Council as the admissions authority shall maintain a waiting list for the normal age of entry for at least 1 term in the academic year of admission, for every oversubscribed community or voluntary controlled school, according to the individual school's published admission arrangements.
32. The waiting lists will be clear, fair and objective and will not give priority to any child based on the date that their application was received or the date that the child's name was added to the waiting list.
33. It must be noted, that children who are the subject of a direction by a local authority to admit or those that are allocated to a school in accordance with the Fair Access Protocol must take precedence over other children on the waiting list. (Please see School Admissions Code paragraphs 3.9 to 3.15.)

### **Acceptance of School Place**

34. Parents will have at least two weeks after the date of offer to notify the authority as to whether or not he/she wishes to accept the place offered.

### **Change of Preference**

35. During the admission process the order of school preference may be changed by parents in writing up to the closing date. After this date, any change of preferences received will be dealt with in line with the late application policy.
36. Parents wishing to change their preferences to include schools not previously named will need to make a late application, which will be administered in line with information provided in the individual school's admission policy.

37. Parents wishing to change their preferences after the notification date will need to make a late application which will then be administered in line with information provided in the individual admission policy.

### **Failure to Express a Preference**

38. Where a Staffordshire parent does not make an application for any school and the child is known to the School Admissions and Transport Service a place will be offered at the nearest Staffordshire School with spaces available. Transport assistance will not necessarily be provided. In the case where the nearest school with a space available is its own admissions authority the offer will be made in consultation with and on behalf of the allocated school.

### **Processing Applications – In-Year Admissions**

39. The process for in year transfers for Staffordshire schools is not coordinated. In line with the School Admissions Code, parents are able to contact the School Admissions and Transport Service for information about places available and then make applications directly to schools.
40. Application forms for In Year places are available from the County Council along with guidance on completing them. Academies and other schools which are their own admission authority may also have their own forms which can be obtained from the school.
41. Completed application forms should be returned directly to the preferred school. The school will notify the local authority of both the application and the outcome of the application within 15 working days, including sending through a copy of the decision letter where the application has been refused.
42. All decisions on applications will be made in line with the determined admission arrangements and will be subject to scrutiny to determine whether or not they meet the criteria for consideration under the LA Fair Access Protocol. A copy of this protocol is published on the LA website.
43. When determining school place applications outside the normal admissions round, 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.
44. Where a child has been permanently excluded from two or more schools there is no need for an admission authority 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 (or would have been had it been practicable to do so), and children with special educational needs statements. There is an expectation that the PAN at the normal age of entry will apply as the year group works through the school.
45. When it is not possible to offer a place, parents **must** be advised of their right of appeal under the School Admissions Appeals Code. Schools should confirm that this has been done in their notification to the local authority by sending a copy of the formal decision to parents.

46. For applications for year groups where a waiting list is in operation, the School Admissions and Transport Team will add unsuccessful applicants to the waiting list. Schools **must not** offer places to applicants in excess of the published admission number where a waiting list is in operation without consulting with the School Admissions and Transport Team.
47. Where a refusal means that a child does not have a school place, the School Admissions Team will contact parents to discuss options for securing a place. This may involve approaching other schools in the area that have places on parents behalf to offer them an alternative school.
48. The School Admissions and Transport Service are available to both schools and parents as a source of advice on the admissions process. .

## **Why is a Fair Access Protocol Required?**

All admission authorities must have Fair Access Protocols in place under the School Standards and Framework Act 1998 and all schools must participate in the protocol in order to ensure that unplaced children are offered a place at a suitable school as quickly as possible. This includes admitting children to schools that are already full. The Fair Access Protocol is triggered when an eligible child has not secured a place under in-year admission procedures.

Admission authorities are asked to ensure that no school, including those with places available, is asked to take a disproportionate number of children who have been excluded from other schools or have challenging behaviour. They must also ensure that all children who arrive outside the normal admission round who may have difficulty securing a place are covered by a protocol.

Agreement was reached with the Secondary Headteachers Forum during November 2005 that the way forward was to develop the role of the Headteachers' Panels (SEND Inclusion Partnerships) to take overall charge of the placement of children where a school place could not be found quickly. These partnerships deal successfully with a significant number of difficult issues, particularly with regard to excluded or children who are close to permanent exclusion.

Along with devolved high needs funding and responsibility for alternative provision, the SIP Protocol encourages schools to work together in partnership to improve behaviour, reduce exclusions, tackle persistent absence and to ensure children who are hard to place have appropriate provision.

## **Aims of the Fair Access Protocol**

The Fair Access Protocol is designed to:

- Be fair and transparent.
- Acknowledge the need of young people who are not on the roll of any school to be dealt with quickly and sympathetically.
- Recognise the success of proactive work already being undertaken cooperatively between schools to prevent exclusion, and to support children, e.g. through managed moves.
- Reduce the time that these children spend out of school.
- Ensure that schools admit children with challenging educational needs in a manner which takes account of the proportion of children they have already admitted through the SEND Inclusion Partnership (SIP) process.

## **Who is covered by the Fair Access Protocol?**

It is a legal requirement that “looked after children and previously looked after children” be given first priority for admission to all schools within their oversubscription criteria.

Looked After Children, previously looked after children, children with statements of Special Educational Need are not covered by this Protocol as their needs are considered separately.

Children with an Education, Health and Care Plan or Statutory Statement of Special Educational Need are placed in accordance with the SEN Code of Practice. All applications that fall within this category will be directed to the SEND Assessment and Planning Service.

Although there is some evidence that at times other children not listed below experience difficulties in attaining a school place, there is already an agreed procedure for dealing with their applications that should be adhered to in all cases including an independent admission appeals system. Guidance in relation to individual school and admitting authorities' responsibilities in relation to the in-year application for school process can be found at <https://www.staffordshire.gov.uk/education/Admissions-secondary>

The children covered by the Protocol will be the ones who are vulnerable and for whom it is even more important that they be admitted to a school quickly.

The Fair Access Protocol in Staffordshire covers children who fall into one of the following categories:

- Children who have been permanently excluded from their previous school, have a history of poor attendance or fixed term exclusions;
- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- Children who have been out of education for two months or more;
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- Children who are homeless Children with unsupportive family backgrounds for whom a place has not been sought;
- Children who are carers; and
- Children with special educational needs, disabilities or medical conditions (but without a statement or EHCP).
- Children whose parents have been unable to find them a place after moving to the area because of a shortage of school places

### **Main Principles of the Fair Access Protocol**

- All schools take part in the Fair Access Protocol.
- There is a general expectation that if a child moves into an area, he/she is admitted to the local catchment area school unless there are very exceptional reasons as to why this should not be the case. Having reached the admission number is not usually considered to be very exceptional unless other circumstances apply.
- Schools cannot cite oversubscription as a reason for not admitting pupils under the protocol.
- Children considered under this protocol have priority for admission over others on a waiting list or awaiting an appeal.
- Schools cannot refuse to admit a child who has been denied a place at that school at appeal, if the protocol identifies that school as the one to admit the child.
- It is essential that all children are found places quickly. All parts of the Local Authority should be prepared to deal with school admission requests as a matter of urgency.

### **How will the Fair Access Protocol operate?**

The majority of pupils are already admitted through routine admission procedures. If parents approach the Local Authority for a school place and there appear to be issues that could make the school reluctant to admit, then the procedure is set out in the action table included within this document.

Each case will be considered on an individual basis and where appropriate may be referred to the SEND Inclusion Partnership (SIP), which will make a recommendation. In exceptional circumstances, SEND Inclusion Partnership's may consider that particular pupils would be

better placed in an alternative to a school placement, such as a short-stay school (PRU), a local FE College, or a place provided by a voluntary organisation.

Where Partnership's work well, shared ownership at local level means all services share information and take joint responsibility for placing children in the District. There are now eight SEND Inclusion Partnerships operating across the county whose function is the prevention of permanent exclusions, managed moves and other strategies to support fair access for young people. These Partnerships also play a strategic role in developing and supporting ways of working in each district regarding Inclusion. It is not necessary for all the areas to have identical practice however, there does need to be common outcomes for the children involved. It is expected that schools will organise a meeting with District Support Staff to discuss the arrangements for the child's admission if necessary.

### **What happens where no panel exists?**

Where there is no SIP then a procedure exists for ensuring admission of children within a reasonably short time scale as follows:

### **Voluntary Aided, Foundation and Trust Schools**

Where a foundation, voluntary aided or trust school has been approached by the Local Authority and has refused to admit the child concerned, parents must be advised of their decision and provided with a right of appeal to an independent appeals panel. Details of the appeal hearing and the outcome afterwards must be provided to the School Admissions and Transport Service. An officer of the School Admissions and Transport Service will then liaise with the designated officer over the appropriate course of action. This will either be the issuing of a direction letter or an alternative placement found.

### **Community and Voluntary Controlled Schools**

In all cases the decision as to whether or not a child can be admitted to a community or voluntary controlled school will be made by the Local Authority who is the admitting authority. If a school feel unable to admit a child, the school will need to provide full reasons for this refusal to the School Admissions and Transport Service. An officer of the School Admissions and Transport Service will then liaise with the designated officer over the appropriate course of action. This will either be the issuing of an instruction to admit letter or a refusal letter to parent advising them of their statutory right of appeal. Where the local authority refuses to admit the child an alternative placement must be found.

### **Academies**

Where an academy has been approached by the Local Authority and has refused to admit the child concerned, parents must be advised of their decision and provided with a right of appeal to an independent appeals panel. Details must be provided to the School Admissions and Transport Service of the appeal hearing and the outcome afterwards. An officer of the School Admissions and Transport Service will then liaise with the designated officer over the appropriate course of action. This will either be a referral to the Secretary of State for the issuing of a direction letter or an alternative placement found.

### **Monitoring and Review of the Protocol**

The School Admission and Transport Service will monitor the number of children referred to the local authority under this protocol and provide statistics/reports to schools and other.

The Local Authority's SEND Strategic Group has a duty to monitor how well this protocol works.

## Fair Access Protocol - Table of Actions

	Actions	Notes
1	<p>If parents approach a school requesting a place, they should be given an application form to complete.</p> <p>The school must: admit the child, or</p> <ul style="list-style-type: none"> <li>- community and voluntary controlled schools: indicate in writing, detailed reasons why they feel unable to accommodate the child</li> <li>- academies, trust, foundation and aided schools: refuse in writing and provide a right of appeal with copy to School Admissions and Transport Service, or refer the child to the DIP (where available)</li> </ul>	<p>An application form for use by parents is available from the School Admissions and Transport Service or via the intranet / internet.</p> <p>If a school considers that they have admitted a vulnerable child outside of this protocol they should inform the SEND Inclusion Partnership (SIP) / Inclusion Officer so that this may be recorded.</p> <p>On arrival of the application form/letter of notification to refuse, the number of days for the admission of the child begins to be counted.</p>
2	<p>An officer of the School Admissions and Transport Service consults the designated officer to determine if the case should be covered under the protocol.</p>	<p>It may be decided that a referral should be made to the SIP through the Fair Access Protocol or to the Chair of SIP for power to act between meetings.</p> <p>If it is decided that the case is not covered under the protocol then the normal admissions procedure will apply.</p>
3.	<p>The SIP should decide which school is to admit, a meeting should then be arranged between school, parent and others to agree an admission plan. If the child cannot be placed within 10 days, go to step 4.</p>	<p>If case is referred to the SIP a decision should be reached within 10 school days.</p> <p>The SIP may recommend that alternative provision is required (this would usually be in a short-stay school (PRU) but this will usually require entry onto a school roll with a reintegration planned in most cases.</p>
4.	<p>If the school does not admit following the recommendation of the SIP, or chair of the SIP, the school will be asked to make a detailed written case for not admitting if they have not already done so.</p>	<p>Officers will consider the case, including the reasons for the schools refusal and make a recommendation.</p> <p>A decision will then be taken as to whether or not it is appropriate to direct admission or refer back to the SEND Inclusion Partnership for an alternative placement.</p>
5.	<p>If it becomes clear within the operation of the procedure at any stage that a place is not to be offered at a school requested by the parents, parents must be notified and given a right of appeal to an independent admission appeal panel.</p>	<p>Officers will consider the case, including the reasons for the schools refusal and make a recommendation.</p> <p>A decision will then be taken as to whether or not it is appropriate to direct admission.</p>
6.	<p>If no SIP exists.</p>	<p>Officers will consider the case, including the reasons for the schools refusal and make recommendations.</p> <p>A decision will then be taken as to whether or not it is appropriate to direct admission or identify an alternative placement.</p>

## Rules Governing Directions



## CHILDREN IN CARE

**Power:** In relation to a Child in their care, a Local Authority may direct the child's admission into the school of another Admission Authority, provided the child was not permanently excluded from the school.

**Legal Authority:** Section 97A of the School Standards and Framework Act 1998 (SSAFA 1998).

**NB:** If their circumstances comply with the Education (Infant Class Size) (England) Regulations 1998, a child in care can be admitted to an infant class, above the class size limit.

**Procedure:** Before deciding to give a direction, the Local Authority must:

- consult with Admission Authority of the school that it is proposing to specify; and
- consider representations from the Admission Authority, supplied within seven (7) days of consultation.

If the Local Authority wishes to proceed with the direction, it must:

- give written notice of its intention on the school's:
  - Admission Authority;
  - Local Education Authority, if it is not also the school's Admission Authority;
  - headteacher; and
  - governing body, if it is a community or voluntary controlled school.
- wait seven (7) days from day on which the written notice was served, to enable any of the above to refer the matter to the Schools Adjudicator; and
- only issue the direction to those listed above:
  - at the end of that period; or
  - once the referral to the Schools Adjudicator has been resolved.

**Legal Authority:** Section 97A to 97C of the SSAFA 1998 and Section 25(3A) of the SSAFA 1998.

## OTHER CHILDREN

**Power:** In relation to any child within their area, a Local Authority may direct that the child is admitted into the school of another Admission Authority, where:

- the child has been refused admission to the school;
- the child was not permanently excluded from the school;
- their admission would not cause class size prejudice;
- the school is a reasonable distance from the child's home; and
- the school provides a suitable education.

**Legal Authority:** Sections 96 and 86(3) of the SSAFA 1998.

**Procedure:** Before deciding to give a direction, the Local Authority must consult with:

- the parent of the child; and
- the governing body of the school that it is proposing to specify.

If the Local Authority wishes to proceed with the direction, it must:

- give written notice of its intention on the school's:
  - headteacher; and
  - governing body.

wait fifteen (15) days from the day on which the written notice was served, to enable either of the above to refer the matter to the Schools Adjudicator; and

- only issue the direction to those listed above:
  - at the end of that period; or
  - once the referral to the Schools Adjudicator has been resolved.

**Legal Authority:** Section 97 of the SSAFA 1998.

## **COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS**

**Duty:** The governing body of a community or voluntary controlled school must implement any decision relating to the admission of pupils to their school, taken by or on behalf of the school's Admission Authority; this includes a decision to admit in order to comply with parental preference.

**Legal Authority:** Sections 86(2) and 88(1)(A) of the SSAFA 1998.

**Complaints:** If the governing body of a community or voluntary controlled school does not wish to implement the decision of the Admission Authority, a complaint about the matter can be referred to the Secretary of State by either the Admission Authority or the governing body.

**Legal Authority:** Sections 495 and 496 of the Education Act 1996.

## **ACADEMIES**

The Secretary of State has the power under an Academy's Funding Agreement to direct an Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.

