

United Learning Admissions (Academies) Guidance

Note: this is not a template policy and is guidance / advice for our academies. Each individual academy needs their own admissions policy which reflects the guidance set out below.

Our Approach to School Admissions

This policy is designed to outline United Learning's approach to school admissions. It is in line with the [Schools Admissions Code](#) (September 2021) and the [Schools Admissions Appeal Code](#) (February 2012) and other relevant legislation.

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

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

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

The School Admissions Code

The School Admissions Code ("the Code") imposes mandatory requirements on all admission authorities, including Academy Trusts. Academies are required by their funding agreements to comply with the Code, although the Secretary of State has the power to vary this requirement where there is demonstrable need (this is very rarely permitted). As a Multi Academy Trust, the United Learning Trust Board is the overarching Admissions Authority for our academies. The Trust Board delegates the oversight of this to all Regional Directors via the Executive Team. All LGBs must ensure their site-specific Admissions Policy abides by the Admissions Code and any other locally agreed protocols. The Trust Board delegates responsibility for determining admissions arrangements to LGBs, although final approval rests with the Board.

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

Admissions Criteria

All United Learning academies must ensure the practices and criteria used to decide the allocation of school places are **fair**, **clear** and **objective**. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. Each school must have

admissions arrangements which set out clearly how children will be admitted, including the criteria that will be applied if there are more applications than places at the school.

Schools should have an individual Admissions Policy for each academic year and should not have one generic one that aims to cover multiple years. Even if the content is the same, individual policies should be in place for separate years.

Admission arrangements for each school must be set (“determined”) annually. Where changes are proposed, consultation on the proposed changes **must** take place first and **must** take place within a specifically defined period (see page 6 for more information on consultation). Headteachers are expected to discuss any proposed changes with their Regional Director well in advance of the consultation window, and support from the Central Office team can be provided if required. If no changes are made to admission arrangements, these must be consulted on at least once every 7 years.

If a school is undersubscribed, any parent that applies **must** be offered a place¹. When oversubscribed, admissions must be ranked in order against oversubscription criteria and then that ranked list returned to the local authority who typically coordinate all admissions in the area. Published admissions arrangements must make clear to parents that a separate application must be made for any transfer from nursery to primary school, and from infant to junior school (see page 8 of the Code at paragraph 15(d)).

Published Admissions Number

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

A note on Year 12 PAN: The PAN for Year 12 is the number of spaces available for **external applicants only**. It is not the total number of places for external and internal applicants. Please contact the Secondary Education Team at secondaryeducation@unitedlearning.org.uk if you need any support with the phrasing of this in your Admissions Policy.

Changing the PAN

Academies do not need to consult on their PAN where they propose to either increase it or maintain it. However, consultation is required if a decrease to the PAN is intended. In addition, DFE approval may be needed to ensure no material impact at the local level.

Despite there being no requirement to formally consult if the PAN is to be increased, academies do need to notify their local authority of their intention, and reference must also be made on the school’s website alongside their published admissions policy. If at any time a school decides it is able to admit above its PAN, it must notify the local authority in good time to allow the authority to deliver its coordination responsibilities effectively. Academies may also admit over their PAN in-year.

Any admissions above the PAN do not constitute an increase to the PAN. Note: where an academy is able to accommodate above the PAN on a temporary basis (for example, to alleviate a “bulge” year), they should resist increasing the PAN to reflect that. This will avoid the requirement to consult on lowering the PAN back to its original level.

¹ Subject to the Local Authority being able to allocate a place at a higher ranked preference in the normal round of admissions

Oversubscription Criteria

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

All children whose Education, Health and Care Plan ("EHCP") names the school **must** be admitted by operation of law (i.e. not under the oversubscription criteria) and a statement to that effect must be put into each academy's admission arrangements.

If the school is not oversubscribed, all applicants **must** be offered a place (with the exception of grammar schools in cases where not all applicants have reached the required academic standard).

Oversubscription criteria must be reasonable, clear, objective, fair and comply with all relevant legislation including equalities legislation. The highest priority **must** be given to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England² and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). This includes children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society. (Paragraph 1.7 of the Code).

Oversubscription criteria must then be applied to all other applicants in the order set out in the arrangements.

Arrangements **must** also include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated. This is typically distance or random selection by ballot (see below).

The Code details a number of specific actions that admission authorities **must not** take or include in formulating their admission arrangements (paragraph 1.9 of the Code). Some examples are detailed below, but all schools must ensure their admissions criteria do not include these points. The following **must not** be used in formulating admission arrangements:

- Take into account any previous schools attended unless it is a feeder primary school (see page 5 and Annex A of this Policy below);
- Give extra priority to children whose parents ranked the school in a particular order (including 'first preference first' arrangements);
- Introduce any new selection by ability;
- Give priority based on practical or financial support from the parents or request financial contributions;
- Take account of reports from previous schools;
- Discriminate against or disadvantage disabled children or those with SEN;
- Interview parents or children. (In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision-making process on whether to offer a place).

² The changes to the Admissions Code for September 2021 extended the definition of LAC and PLAC to include children from outside of England. All schools **must** have varied their Admissions Policies to reflect this.

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

The most widely used criteria are set out below. In many cases United Learning academies choose to mirror the criteria used by the Local Authority in their area to help parents navigate the process more easily, providing these comply with the Code and are lawful. However, this is not essential. Where there are good reasons to do so, we expect schools to include other local United Learning schools as feeder primary schools under the relevant criteria, subject to clear evidence of strong tangible links – see below and Annex A.

- ***Siblings at the School*** (Paragraphs 1.11 and 1.12 of the Code)
Schools must state clearly in their arrangements what they mean by ‘sibling’ (e.g., whether it includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who are former pupils of the school). For example, is the requirement to have a “sibling” at the school at the time of admission or application? Schools can also give priority to siblings of pupils attending another state funded school with which they have close links, such as schools on the same site or close links between two single sex schools. It is unlikely that being in the same trust will amount to a “close link” on its own. Where this is the case, this priority **must** be clearly set out in the arrangements.
- ***Distance from the School*** (Paragraph 1.13 of the Code)
Each school’s admissions policy **must** clearly set out how distance from home to the school will be measured (e.g., how the crow flies or by road), making clear how the ‘home’ address will be determined and the point (or nodal point) in the school from which all distances are measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent. Where a school operates on a split site, the admissions policy must make clear which point or nodal point the distance is being measured from, with the selection of said point made on reasonable grounds.
- ***Catchment Areas*** (Paragraph 1.14 of the Code)
Catchment areas **must** be defined so that they are clear and reasonable. Schools should provide clear maps of the wider area their catchment area is in so that parents can see if they reside within it. Alternatively, especially in more built-up areas, it may be helpful to provide lists of street names (and, where necessary, house numbers) that comprise the catchment area. Recent adjudications have shown that it is not acceptable to refer parents to the local authority website or composite prospectus for details of the school’s catchment area.
- ***Feeder Schools*** (Paragraph 1.15 of the Code)
Secondary schools can name attendance at a feeder primary school as an oversubscription criterion providing the application of this criterion is transparent and made on reasonable grounds. It is important that sufficient actual links can be established between the school and the feeder school. The feeder school could be a United Learning school or a non-United Learning School. **United Learning has a more detailed policy on feeder schools which is attached at Annex A and must be followed where feeder schools are part of the oversubscription criteria.**

- **Random Allocation** (Paragraph 1.34 of the Code)
Arrangements **must** set out clearly how this will operate, ensuring that arrangements are transparent and that looked after children and previously looked after children (including from outside of England) are prioritised. The process **must** be supervised by someone independent of the school, and a fresh round of random allocation **must** be used each time a child is to be offered a place from a waiting list.

Some other examples of permissible over-subscription criteria covered in the Code but not generally used by United Learning schools are listed below.

- **Selection by ability or aptitude.** All selective schools must publish the entry requirements for a selective place and the process for such selection.
- **Pre-existing, partially selective schools** (pre 1997 arrangements to select by ability).
- **Banding** (note: banding arrangements that favour high ability children cannot be introduced unless this was in place and has been used continuously since the 1997/98 school year).
- **Selection by aptitude** (PE or sport, or one or more sports; Performing Arts or any one or more of those arts; Visual Arts or any one or more of those arts; Modern Foreign Languages or any such language; Design and Technology and Information Technology). A maximum of 10% of all places can be offered by aptitude and any introduction of that selection method must be fully consulted on in advance as part of overall consultation on proposed changed admission arrangements.
- **Faith based oversubscription criteria in schools designated with a religious character.**
- **Children of staff at the school.** (Please note the 2021 Code is more specific than the previous version for this criterion. Schools must ensure they have referred to paragraphs 1.39 and 1.40 of the Code if they wish to adopt this as part of their oversubscription criteria).
- **Maintained boarding schools.**
- **Children eligible for pupil premium or service premium.**

If a school wishes to change their admissions criteria in any way, including increasing or decreasing the PAN, they must in the first instance discuss this with the relevant Director prior to planning any consultation.

Grammar Schools

Only designated Grammar schools are permitted to select their entire intake on the basis of high academic ability (paragraph 1.18 of the Code). They do not have to fill all of their places if applicants have not reached the required standard. Where selection is **wholly** based on selection by reference to ability and only for those who score highest in any selection test, no priority needs to be given to Looked after Children.

Determination

All schools **must** formally agree admissions arrangements every year, even if they have not changed from previous years and a consultation has not been required. This is to allow any objection to be made to the continuation of arrangements to the [Schools Adjudicator](#).

Admission arrangements must be formally agreed and set by 28 February in the determination year (the year in advance of the one in which the arrangements are to apply) (paragraph 1.49 of the Code) and **cannot** be changed thereafter for that year other than under the circumstances set out regarding variation described later in this policy guidance. Once determined, each school must

notify the local authority (no later than 15 March in the determination year) and must publish them on their website, displaying them for the whole offer year. Minutes of the meeting/s at which the arrangements are determined (before 28 February each year) should be kept.

Following determination of arrangements, any objections to the arrangements must be made to the Adjudicator no later than 15 May in the determination year.

Schools must provide all the information that the local authority needs to compile the composite prospectus no later than 8 August, which they will then publish by 12 September in the offer year.

Consultation

Where consultation is required for any reason, it must be for a minimum of 6 weeks and **must** take place **between 1 October and 31 January** of the school year *before* those arrangements are to apply (paragraph 1.46 of the Code). For example: for arrangements which are to apply to entry in September 2024, consultation **must** be completed by 31 January 2023.

Arrangements can still be objected to and referred to the Adjudicator following consultation. Objections to admission arrangements must be made by 15 May in the determination year. Any decision of the Adjudicator must be acted on by the academy and the Trust, and the admission arrangements amended accordingly without further consultation (see below).

The Code sets out specific requirements (paragraph 1.47 of the Code) as to whom admission authorities must consult with. This includes parents, the local authority and other admission authorities in the area.

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

Schools must ensure their Regional Director is fully sighted on any planned consultation.

Variation

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

Schools new to United Learning

When a school joins United Learning, the school's existing admission arrangements will be reviewed to ensure they are fair, clear and objective and are in line with the Code and the relevant statutory requirements. They will only be changed to ensure they comply in this regard, or to adopt any specific requirements for admissions that have been agreed as part of the academy's Funding Agreement.

Applications and Offers

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

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

Sixth Form

Children on roll and staying on at sixth form do not need to use the CAF to apply for a sixth form place. Academies can set academic entry criteria for sixth forms and this **must** be the same for both external and internal places (paragraph 2.6 of the Code). School sixth form admissions arrangements for external applicants must be consulted upon, determined and published in accordance with the same timetable as admissions at other entry points. The highest priority in any oversubscription criteria **must** be given to looked after children and previously looked after children who meet the academic entry criteria.

For the avoidance of doubt, once a child has taken up a place at the sixth form, they are entitled to progress through to Year 13, regardless of their academic performance in Year 12. Where issues around attendance and academic performance arise which in the school's professional judgment put the suitability of the course(s) for particular student in question, schools should seek further advice from Stephen Adcock, Deputy Director (Stephen.Adcock@unitedlearning.org.uk) and take legal advice as necessary before taking any further action about the placement.

Allocating Places

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

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

Withdrawing an offer or a place

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

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

Waiting Lists (Normal Admission Round)

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

In-Year Admissions

Schools must include clear information in their Admission Policies regarding in-year admissions and how these will be managed.

By 31 August (at the latest), schools must set out on their website how In-Year applications will be dealt with from the 1 September until 31 August. They must set out:

- how parents can apply for a school place;
- if they manage their own in-year admissions;
- access to a suitable application form for parents to complete (and a supplementary information form where necessary);
- when parents will be notified of the outcome of their application and details about the right to appeal;

If an academy wishes to be part of the local authority's in-year coordination scheme, they must notify the local authority of this by 1 August. Also by this date, participating academies must also provide the local authority with all the information that the local authority is required to publish on its website, including application forms. In such cases, the academy must also provide information on where parents can find details of the relevant scheme e.g., via links to the relevant section of the local authority's website.

Where an academy chooses to manage the in-year admissions process themselves, they must publish the in-year arrangements as set out above. On receipt of an in-year application, academies must notify the local authority of both the application and its outcome to allow the local authority to keep up to date figures on the availability of places in the area. Academies must also inform parents of their right to appeal against the refusal of a place. The 2021 Code is clear that parents must not be refused the opportunity to make an application or be told that they can only be placed on a waiting list rather than make a formal application.

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

Reasons for refusal of an in-year admission

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

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

NB: Independent Appeal Panel: However, schools should note that parents can appeal, and must be told how to appeal, when their request has been refused. Decisions of the independent appeal panel are binding on Admission Authorities. Therefore, any successful appellants must be admitted to the School.

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

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

Infant Class Sizes

Infant classes must not contain more than 30 pupils with a single school teacher. Additional children can only be admitted under limited and tightly defined exceptional circumstances. These children will remain 'an excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. 'Exceptional circumstances' include children with an Education and Health Care Plan that names the school; Looked After Children and previously Looked After Children who do not have a school place as part of the normal admissions round; Ukrainian refugees; and children admitted after a procedural error in the original application process. Further information about exceptional circumstances are detailed in paragraph 2.16 of the Code.

Other

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

- **Admission of Children below compulsory school age and deferred entry to school:** primary phase academies must provide for the admission of all children in the September following their fourth birthday and allow for this to be deferred until later in the school year and allow for children to attend part-time if their parents wish, but not beyond compulsory school age (paragraph 2.17 of the Code).
- **Admission of children outside their normal age group.** Each school's admission arrangements must make clear the process for requesting admission outside of the normal age group. Decisions must be made on the basis of the circumstances of the case and in the child's best interests. Page 25 of the Admissions Code gives further information (paragraph 2.18 – 2.20 of the Code).

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

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

- a) allocate a place in advance of the family arriving in the area (as long as one is available), provided the application is accompanied by an official letter that declares a relocation date. Admission authorities must not refuse to process an application and must not refuse a place solely because the family do not yet have an intended address, or do not yet live in the area.
- b) use the address at which the child will live when applying their oversubscription criteria, as long as the parents provide some evidence of their intended address. Admission authorities must use a Unit or quartering address as the child's home address when considering the application against their oversubscription criteria, where a parent requests this.
- c) not reserve blocks of places for these children.
- d) ensure that arrangements in their area support the Government's commitment to removing disadvantage for service children. Arrangements must be appropriate for the area and be described in the local authority's composite prospectus.

(Paragraph 2.21 of the Code).

Children from overseas.

The admission authorities for state-funded schools (maintained schools and academy schools) must not check the immigration or nationality status of foreign national children as a pre-condition for admission. It is the parent's responsibility to ensure their children have a right to study at school, under UK entry conditions, before applying for a place. Admission authorities for state-funded schools:

- must not refuse to admit a child on the basis of their nationality or immigration status nor remove them from the roll on this basis;
- must not ask to see passports or other immigration information as a condition of admission (this would be a breach of paragraphs 1.9(a) and 2.8 of the school admissions code);
- with the exception of children who are Irish nationals, must not actively recruit foreign national children who are still resident overseas as pupils.

Further information on admitting children from overseas can be found [here](#).

Ukrainian Refugees

The Secretary of State has made clear in communications with Directors of Children's Services that schools should use flexibilities to admit above PAN and exceed infant class size caps (under the 'exceptional circumstances' element of the Admissions Code) 'where necessary' to accommodate Ukrainian children arriving into England. All United Learning academies are encouraged to admit Ukrainian Refugees wherever possible.

In line with the guidance [here](#) about admitting children from overseas, children who are part of a family entering and residing in the UK under the Ukraine Sponsorship Scheme or Ukraine Family Scheme can attend school. This also applies to children from Hong Kong and Afghanistan under similar resettlement arrangements.

Ensuring Fairness

Children with challenging behaviour and those who have been excluded twice

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

Fair Access Protocols

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

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

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

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

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

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

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

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

Appeals and Objections

Objections

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

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

Right to Appeal

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

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

Parent(s) (or children in relation to sixth form or once they have ceased to be of statutory school age) have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision. Each school’s admissions policy must set out how parents can do this, either through contacting the local authority-arranged panel or through other arrangements. Some schools will buy into the admissions and appeals services operated by the local authority, and all schools must be clear how appeals are handled, both in the usual admissions round and also for in-year appeals, as the processes may well be different for each depending on what the school has signed up to with the local authority. This must be clearly communicated in the school’s Admissions Policy and in any relevant correspondence with parent(s).

Impact of the Covid 19 Pandemic

Academies should note the current government guidance on admission appeals during the current Covid pandemic [here](#) and act on that guidance accordingly. This guidance is in place until 30 September 2022. The temporary arrangements set out that this guidance should only be used when it is not reasonably practicable to operate appeals normally for reasons related to the COVID-19 pandemic, and mainly cover matters such as how to conduct appeals remotely / virtually, as well as giving more flexibility with the appeals time frames. The key elements of ensuring fairness and impartiality still of course apply.

School Admissions Appeals Code – Consultation and expected changes for 2022

The government has published its [response](#) to the consultation on making changes to the School Admission Appeals Code. A [draft School Admission Appeals Code 2022](#) has also been laid in Parliament. The draft Appeals Code must lay in Parliament for 40 days and providing no member objects, it will come into force on 1 October 2022. The government also intends to update the [non-statutory advice on admission appeals](#) at this time. The current School Admission Appeals Code (2012) will apply until this date. The proposals are to make the permanent some of the flexibilities permitted by the temporary regulations summarised above. They propose to:

- **Allow admission authorities to decide whether to hold appeal hearings remotely (by telephone or video conference) or in person, or to give a choice of either, without reasons relating to COVID-19.**
- Allow appeal hearing to continue and be decided by a panel of two, if the third member of an appeal panel has to withdraw and either the remaining hearings or restarting the appeal will lead to an unreasonable delay.

Subject to Parliamentary approval, the first of these changes will go ahead but the second **will not** in order to ensure the appeals process remains focused on fairness and transparency.

Arranging Appeal Panels

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

Appeal Hearings

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

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

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

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

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

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

Procedure

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

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

Further Information

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

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

Annex A – United Learning Feeder Schools Policy

United Learning encourages our schools to actively engage with local partners for the mutual benefit of students, staff, and the wider communities they serve. This includes the relationships secondary schools develop with their feeder primary schools – for example, by sharing strong practice to support transition and subject knowledge across phases and extending access to secondary resources and facilities to provide opportunities for primary pupils.

In line with our strategy to develop strong clusters of schools, in many areas we have both primary and secondary schools serving the same communities. This allows us to strengthen our offer to children and their families, providing continuity of excellent education from early years through to post-16, including through:

- following the United Learning curriculum;
- extending academic and enrichment opportunities to pupils;
- taking opportunities for joint staff development;
- making joint staff appointments where there are mutually beneficial opportunities to combine roles and create efficiencies (for example, through the creation of shared support service structures); and
- developing shared contracts (where possible) to create cost efficiencies.

Reflecting links in admissions policies

Where these links are in place – as we expect to be the case between United Learning primary and secondary academies serving substantially the same community – we will [usually] reflect this in our secondary admissions policies.

For example, where both the primary and secondary school follow the United Learning curriculum, we would [generally] expect the primary school to be named as a feeder school in the secondary school's admissions policy, giving it priority within the oversubscription criteria. Where a primary school is not yet able to follow the United Learning curriculum but there are other strong links in place, the secondary school may also consider taking this approach.

We will satisfy ourselves that any changes to admissions arrangements are made on reasonable and transparent grounds, with approval provided by the United Learning Executive.

United Learning schools will always guarantee at least 10% of places for children who do not attend a named feeder school but live very close to the secondary. This will ensure the aggregate admissions from named feeder schools do not prejudice the ability of local children to access a United Learning secondary.

Process to be followed

Where a school proposes to name a primary school as a feeder school in its admissions policy, the Principal should first discuss with the Secondary Regional Director. If the school is a United Learning school, they should also involve the Primary Regional Director and primary Headteacher. If the school is not a United Learning school, we would expect discussions to have taken place with the primary Headteacher and Chair of Governors.

If the RD(s) and school(s) are content that the links between the schools are sufficiently strong to merit naming the primary as a feeder school the RD(s) should make a recommendation to the United Learning Executive to proceed. The Executive will consider the specific facts of each individual case in reaching a decision, taking legal advice where appropriate.

Before making a final determination, the secondary school must run a public consultation in line with any other change, as set out in the main Admissions Policy (above).