

Federation Of Kirkby  
Malzeard and St Nicholas  
CE Schools

Admissions Policy  
NYCC LEA

Date policy last reviewed: Sept 2022  
Date for  
review Sept  
2025

Signed by:

S Taylor

19.10.22

Headteacher

Date:

C Burgess

19.10.22

Chair of governors

Date:

## **Contents:**

[Statement of intent](#)

1. [Legal framework](#)
2. [Roles and responsibilities](#)
3. [Admissions arrangements](#)
4. [Applications and offers](#)
5. [In-year admissions](#)
6. [Waiting list](#)
7. [Admissions appeals](#)
8. [Monitoring and review](#)

## Statement of intent

At Federation of Kirkby Malzeard and St Nicholas CE School, we welcome all pupils, and places at the school are offered in an open, fair, clear and objective manner. We work to the principle that any parent accessing our admissions arrangements will be able to understand easily how places for that school will be allocated, and will not be alienated or discouraged from applying based on admissions criteria.

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

Type of school	Who is the LA?	Who deals with complaints about arrangements?	Who is responsible for arranging/providing for an appeal against refusal of a place at the school?
Voluntary controlled school	<b><u>NYCC</u></b>	Schools Adjudicator	LA

## 1. Legal framework

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

- Equality Act 2010
- Human Rights Act 1998
- School Standards and Framework Act 1998
- DfE (2021) 'School Admissions Code'
- DfE (2012) 'School Admission Appeals Code'

This policy operates in conjunction with the following school policies:

- Pupil Equality, Equity, Diversity and Inclusion Policy
- Data Protection Policy
- Special Educational Needs and Disabilities (SEND) Policy
- SEN Information Report
- Admissions Policy Appendix: Changes to Procedures for Admissions and Admission Appeals until 30 September 2022

## 2. Roles and responsibilities

The LA is responsible for:

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

The governing board is responsible for:

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

The Schools Adjudicator is responsible for:

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

The appeals clerk is responsible for:

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

### **3. Admissions arrangements**

#### **The published admissions number (PAN)**

The number of places available is determined by the capacity of the school. The PAN for each year group is 15 pupils at Kirkby Malzeard and 10 pupils at ST Nicholas pupils is 10.

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

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

#### **Oversubscription criteria**

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

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

- LAC and previously LAC, including those who have been in state care outside of England and ceased to be in state care as a result of being adopted
- Children with siblings currently at the school, or whose siblings have left the school within the last six years.

- Children of staff at the school.
- Children eligible for pupil premium where they are in a nursery class attached to the school either by location or management.

Where two applications cannot otherwise be separated, the LA will follow a fair, clear and effective 'tie-breaker' procedure by allocating the place to the pupil who lives closest to school.

### **Catchment areas**

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

The catchment area is as follows:

Kirkby Malzeard, Dallowgill & Laverton for Kirkby Malzeard School

West Tanfield, Nosterfeild, East Tanfield, Binsoe and Thornborough.

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

### **Siblings of pupils and children of staff**

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

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

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

### **Selective criteria**

The LA will publish the entry requirements and process of selection for a school place on the school's website as part of the published admissions arrangements.

All selection tests will be designed in such a way that they are accessible to children with SEND, and reasonable adjustments will be made for these children where necessary.

Parents will be informed of the outcome of selection tests before 31 October where possible, to allow them to make an informed choice of school; however the trust board will ensure that these parents are aware that the results of a selection test do not necessarily guarantee a selective place for their child.

### **Equal opportunities**

The LA will not establish admissions criteria that excludes individuals with a particular protected characteristic. The admissions criteria will not exclude a greater proportion of pupils

with particular protected characteristics, unless the school can justify how this is a proportionate means of achieving a legitimate aim.

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

### **Admissions procedures**

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

The school may assess its ability to cater to the applicant's needs by:

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

## **4. Consultation, determination and publication**

### **Consultation**

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

### **Determination and publication of admissions arrangements**

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

Admission arrangements will be determined by 28 February in the determination year on an annual basis, even when no changes to the arrangements have been made.

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

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

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

## **5. Applications and offers**

### **Applications**

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

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

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

### **Offers**

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

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

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

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

## **6. In-year admissions**

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

The school will publish a link to the LA's in-year admissions arrangements on the school website by 31 August each year.

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

The school will consider all such applications and if the year group applied for has space available, then a place will be offered. If a place is not available, then the child's parent can ask for their child's name to be added to the appropriate waiting list. As with admissions at the



start of the academic year, parents whose applications are turned down are entitled to appeal through the process outlined below.

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

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

## **7. Waiting lists**

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

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

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

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

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

## **8. Admissions appeals**

Until 30 September 2022, the LA will have due regard to the extension of the temporary regulations changing certain aspects of the admission appeals procedure, in line with the Admissions Policy Appendix: Changes to Procedures for Admissions and Admission Appeals until 30 September 2022.

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

### **Informing of appeals**

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

## **Constitution of appeals panels**

The LA and the appeals panel will act in accordance with all relevant legislation and guidance. The judicial function of the appeals panel will be transparent, accessible, independent and impartial, and will operate in accordance with the principles of natural justice.

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

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

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

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

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

Appropriate training will be given, funded by the LA, to all panel members and clerks before they take part in a panel hearing. As a minimum, this training will include:

- The law relating to admissions.
- The panel's duties under the Human Rights Act 1998 and the Equality Act 2010.
- Procedural fairness and natural justice.
- The roles of specific panel members, e.g. the chair.

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

The rate of payment is set by the LA and has due regard to the recommendations of the remuneration panel.

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

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

## **Appeals hearings**

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

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

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

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

All evidence relating to the appeal hearing will be passed on to the clerk, including the admission process, reasons for the decision and how the admission would cause prejudice to the education provision of the school. The clerk will send all the papers required for the hearing to both parties and the members of the panel seven days before the hearing.

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

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

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

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

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

## **Reaching a decision**

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

Appeals decisions will either be upheld or dismissed – there will be no conditional decisions made, in line with section 94(6) of the School Standards and Framework Act 1998. The final

decision will be decided by a simple majority. If votes are split equally, the chair will make the casting vote.

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

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

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

### **Complaints**

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

If appellants have an issue with the appeal process, they can complain to the Local Government Ombudsmen.

## **9. Monitoring and review**

This policy will be reviewed by the governing board on an three year basis. Any changes to this policy will be communicated to all staff and other interested parties.

**The next scheduled review date for this policy is date. Sept 25**