



# ADMISSIONS POLICY

September 2020 intake

Agree by Governing Body: .....

Date adopted by Governing Body: .....

Signed on behalf of the Governing Body .....

Name in block .....

Review Date: March 2020

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## **Background Statement**

Battling Brook Primary School first became a stand-alone academy in June 2013 and as such legislation is applied through its funding agreement with the Secretary of State. It wishes to continue its close relationship with other local primary schools and the Local Authority. Following due consultation, January 2014 in accordance with the national Schools Admission Code, the Governing Body of Battling Brook has agreed the following Admission Policy for the academic year 2020/21 and all future years thereafter.

**There is no guarantee that the policy will not change in future years.**

## **Principles**

The purpose of the policy is to ensure that places at Battling Brook Primary School are allocated and offered in an open and fair way.

### **Battling Brook Primary School Admissions Policy should:**

- Offer clarity regarding legal requirements and statutory guidance
- Seek to encourage partnership and avoid conflict at a local and an authority level
- Maintain parental rights and ease the process of admission for parents and children
- Have one consistent first-time admissions date to mainstream education

### **Children's entitlements are as follows:**

- entitlement to a place in the catchment area school (dependent on the parent applying at the appropriate time, or on compliance with infant class size regulations, on compliance with the school's capping structure)
- entitlement to a place in a preferred school if there is room
- entitlement to be considered according to the same priority criteria as other children where the preferred school is oversubscribed

### **Legal Position & Other Requirements: Summary**

- Battling Brook Primary School is its own admissions authority and must consult as required and publish their admissions policy and arrangements.
- Battling Brook Primary School commissions, the Local Authority to administer applications on its behalf.
- The Local Authority is required to coordinate admissions for all residents in Leicestershire. To this purpose it must have an approved scheme for coordination and Battling Brook Primary School will participate with the scheme bearing in mind its capping structure.
- Parents have a right to express a preference for a school place, including where the child has a Statement of Special Educational Needs. Parents must ensure suitable full-time education for their children by attendance at school or otherwise; they are not obliged to do this before the child has reached compulsory school age.

- Compulsory school age is from the term immediately following a child's 5th birthday, this means:

A child turning 5 in the Autumn term must start school no later than from the start of the Spring term

A child turning 5 in the Spring term must start school no later than from the start of the Summer term

A child turning 5 in the Summer term must start school no later than the following Autumn term

Battling Brook Primary School has an Admission Number (AN) that is capped at 87 per year group. This means once Battling Brook Primary School has filled to 87 in each year group (in line with its admissions criteria pg7) all other applications will be refused, and parents will have the right to appeal.

## **First Time Admissions to mainstream Battling Brook Primary School**

This section refers to first-time admissions (4+ entries)

- Parents must apply to their home Local Authority for a school place. Application online is recommended through Leicestershire County Council's website. All requests received by 15<sup>th</sup> January (national closing date) will be considered first and in accordance with the school's approved priority criteria (please see below). All late applications receive the lowest priority. All supplementary information i.e. medical consultant letters to proof of change of address, remains the parent's responsibility to supply.
- The Local Authority that you live in will confirm decisions to parents from 16<sup>th</sup> April (national offer date). No child will be admitted without an offer from the Local Authority you live in; and this is regardless of whether the child lives in the catchment area or otherwise and regardless of whether the child has attended the pre-school group at Battling Brook.
- For those pupils who do not live in Leicestershire, the School Admissions Service will inform the relevant Local Authority who will in turn inform the parents.
- Places will be allocated up to the Admission Number (AN) of 87 and will not be exceeded regardless of living in the catchment or moving into catchment.
- Parents must apply for a school place at first-time admission stage. The Admissions Service and Battling Brook Primary School in response to this issue launches an annual marketing strategy to publicise and alert parents to the need to complete an application expressing up to three preferences.
- Date of admission for all first time admissions is from the September immediately following a child's fourth birthday i.e. all children who have turned 4 before the end 31<sup>st</sup> August.
- Battling Brook Primary **does not** have a feeder school. Therefore, no automatic place can be assumed by any parent whose child has attended a pre-school/nursery establishment.

## **Infant Class Size Limits, Multiple Birth Children and Permitted Exceptions**

There is a requirement to limit infant class sizes to 30 children for each qualified teacher. This applies to Reception, Year 1 and Year 2 classes i.e. children aged 4 to 7. The National Regulations on infant class sizes allow very few exceptions (see para 2.15 DfE School Admissions Codes December 2014 Infant Class sizes).

### **Deferring First-Time Admission**

When a child's parents are notified of the allocation of a primary school place, they can request deferment of the child's admission. The School will agree to deferment to later in the school year or until the child reaches compulsory school age in that year. Parents can also request that their child attends part-time until the child reaches compulsory school age. The parent would not however be able to defer entry beyond the beginning of the term after the child's fifth birthday, nor beyond the academic year for which the original application was accepted. The place at Battling Brook will be held open for the child and not made available to another child. For summer born children, if the place is not taken up by the summer half-term then a fresh application must be submitted for entry into Year 1, as the admissions application is only valid for the academic year in which you applied. Battling Brook may withdraw the offer of the place if it is not taken up after deferment and offer the place to another child according to the School's priority criteria. Such withdrawals of offers will only be made when the Admission Number (AN) for Battling Brook has been reached and there are additional children seeking places. Where an offer of a place is withdrawn in this way, the child will not be entitled to free transport to a more distant school.

### **In-Year (mid-term) Transfers (all year groups)**

All mid-term transfer requests (in-catchment included) will be co-ordinated through Leicestershire's School Admissions Service. This is because the LA's online systems operate 24/7, and throughout school holidays at <https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-admissions/apply-for-a-primary-school-place>

Before applying, parents are encouraged to arrange to visit the school after which the parent should complete the Local Authority's online Common Application Form (paper forms are available on request).

The aim wherever possible is to always process mid-term applications within 15 working days (5 days if child is indicated as in care or previously in care), delays may occur where further evidence or proof is required i.e. proof of house purchase, tenancy agreement, fair access information for complex or out of authority applications etc.)

Where the mid-term application is made through the Local Authority the decision letter will either offer the place or refuse the place because the school is full. A refusal letter will also explain to the parent their right to appeal, and how they should do this.

## Parental Preferences & Criteria used for Prioritising Admissions to Schools

Application forms for school places allow parents to express up to three preferences for school places. Parents should rank their preferences, so that if more than one preference can be agreed the one which the parent wants most is offered. However, the Local Authority considers all preferences to have equal value, eg one parent's first preference and another parent's second or third preference are to be considered equally against the admissions criteria. Late applications receive the lowest priority, i.e. they are only considered after all other applications which were received on time, unless it can be demonstrated with documentary evidence that the lateness of the form was beyond the parent's control.

### Admissions Arrangements:

- Pupil admission numbers as of September 2020 across all year group cohorts are capped at 87. Pupils in cohorts currently in excess of this number will remain. No pupil will be admitted to any cohort that currently exceeds this number, until such a time as the cohort drops below 87.
- Battling Brook Primary School adopts the Local Authority's ( LA's) catchment area. This can be viewed on the school website <http://www.bbroad.leics.sch.uk/page/?title=School+Admissions&pid=141>
- Battling Brook Primary School is seeking to participate fully with the LA's admissions process, but **does not apply the LA's priority criteria** for places both for First Time Admissions and Mid Term Admissions. **Battling Brook Primary School applies its own priority criteria detailed below.** Regardless of priority criteria, parents/carers must always apply through their Local Authority's online common application form (paper on request) for a school place at Battling Brook Primary School.
- Battling Brook Primary School has adopted the following priority criteria

If there are too many requests for Battling Brook Primary School, priority will be given to children in the appropriate age-range, whose parents applied on time, in the following order (see note i below):

<b>1st</b>	Children who are in public care and those children who were previously looked after children. (See note ii).
<b>2nd</b>	Pupils who will have an older brother or sister attending the same school at the same time. (See notes iii).
<b>3rd</b>	Pupils who live in the catchment area. (See note iv).

<b>4th</b>	Pupils who have a serious medical condition or exceptional social or domestic needs that make it essential they attend the school requested. (Professional documentation confirming the situation must be submitted with the application). (See note v).
<b>5th</b>	Pupils living nearest to the school measured in a straight line distance (home to school front gate). (See note vi).

**PLEASE NOTE THAT ATTENDANCE AT THE LITTLE BATTLERS PRE-SCHOOL DOES NOT AUTOMATICALLY RESERVE A PLACE FOR A CHILD AT BATTLING BROOK PRIMARY SCHOOL.**

**APPLICATIONS FOR A PLACE AT BATTLING BROOK PRIMARY SCHOOL ARE COMPULSORY.**

**Notes:**

- i. Combinations of the above criteria are used in priority order. Where Battling Brook receives more than 87 applications for any one year group, combinations of the criteria will be used to rank the places. Where the computerised system throws up an equality of distance for more than one child (who do not have the same home address) the final tie breaker will be by drawing lots. Anyone refused will have the right to appeal.
- ii. Children who are in the care of local authorities as defined by section 22 of the Children Act 1989. In relation to school admissions legislation a 'looked after child' is only considered as such if the local authority confirms the child will be in public care when the child is admitted to a school. In such circumstances a letter from the last local authority in which the child was in the care of will be required.
- iii. The term "brother or sister" includes half brother or sister or legally adopted child being regarded as the brother or sister.
- iv. The child's place of residence is taken to be the parental home situated within Battling Brook's catchment area.
- v. If criterion 4 is used, professional supporting documentation from the Lead Professional must be supplied and must be submitted with the application. The following list are the areas that are considered exceptional:
  - Crown Servants (serving members of the armed forces).
  - Children subject to Child Protection Plans.
  - Hard to Place children – who fall under the Fair Access Protocol.
  - Parents suffering domestic violence (This is dependent on documentary evidence by a lead professional).
  - A child for whom transfer to the catchment area school would involve attending a different school until he/she is the right age for transfer. (This is dependent on the child having attended the present school for at least a year). Each case will be assessed on its individual merits.
- vi. For Criterion 5 above, measurement of distance is in a straight line from the centre point of the home property to the school's main designated front gate, using a computerised mapping system.

## **Out-of-Catchment Requests and Admissions**

Parents should be encouraged to visit both the catchment and the preferred school, in order to make informed judgements. If an out of catchment parent approaches Battling Brook Primary School the Headteacher (and other staff will

- suggest that the parent also visits their catchment school in which they live;
- inform parents that if they still wish to apply to Battling Brook, that they must complete an application form and submit it to Leicestershire's School Admissions Service. Leicestershire School Admissions Service on receiving a request for Battling Brook Primary School outside the normal transfer cycle will:
  - contact Battling Brook Primary School to confirm numbers in relevant year groups
  - allocate a place if there is space available within AN for the relevant year group or will refuse the place and inform parents of their right of appeal

## **Exceeding the Admission Number (AN)**

At the time of first-time admission/transfer decisions, if there are more requests for in catchment children than the Admission Number (AN), the Admission Number will NOT be exceeded to accommodate the catchment area children. The Admission Number will NOT be exceeded in any one year group by the admission of out-of-catchment pupils. If there are more out-of-catchment requests than places available within Admission Number, places will be allocated up to Admission Number according to the school's priority criteria, with any outstanding requests refused. Parents whose requests are refused have a right to appeal to an Independent Appeal Committee whose decisions can override Battling Brook 's School policy. (N.B: In the case of parents whose children have Statements of Special Educational Needs, the appeal is to the Special Educational Needs Tribunal.)

It maybe that in exceptional circumstances Battling Brook may admit out-of-catchment pupils above Admission Number, and exceed its Admission Number. These situations should be viewed as exceptional and not as precedents for subsequent years or for other schools.

Exceptional circumstances might be:

- Children in public care
- "Hard to Place" children whose cases fall within the Fair Access protocol [For the full set of 'exceptions' please see para 2.15 of the National School Admissions Codes]

## **Oversubscription Criteria**

If Battling Brook Primary School receives more applications than places available, the LA will rank the applications based on the school's criteria listed above and inform Battling Brook accordingly.



## Oversubscription (OSL 'Waiting') List

Parents whose children have been refused a place at Battling Brook Primary School will automatically be added to Battling Brook Primary School's OSL (waiting) list. The OSL for admission will remain open until the end of the Autumn Term in the admission year. The OSL is ranked using the oversubscription criteria listed above. The OSL may change, this means that a child's OSL position during the year could go 'up' or 'down'. The OSL makes no distinction between on time or late applications.

## Appeals

If your child has been refused a place at Battling Brook Primary School, you retain the statutory right to appeal. Battling Brook Primary School has engaged the services of the LA to conduct all its appeals. Therefore, you can appeal using the LA's 'Notice of Appeal' available through the following link

<https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-admissions/appeal-a-school-place-and-check-waiting-lists-online>

The LA will arrange the appeal on behalf of the governors to be heard by an independent panel, whose decision is binding on all parties.

Appellants do not have the right to a second appeal in respect of the same school for the same academic year unless, it can be demonstrated that there has been a significant exceptional or material change in circumstances of the parent, child or school.

Examples being:

- Change of address
- It has been agreed that there were procedural faults in the original appeal
- New significant evidence has come to light
- Medical reasons ( apart from medical attention for distress or anxiety as a result of unsuccessful appeals)
- Significant change to the school has come to light

(This is not a finite list; each case will be considered on its merits by the lead admissions or appeals officer)

**Late appeals will be disallowed unless the appellant can provide clear and convincing reasons why the preference was not expressed at the normal time or why the notice of appeal was not submitted by the normal deadlines.**

## Acceptance or refusal of offers; Withdrawal of Places or of Offers of Places

Leicestershire School Admissions in accordance with the School Admissions Code on behalf of Battling Brook **will withdraw** the offer/place if:

- it has been offered in error
- a parent has not taken up the place and not responded within a reasonable period of time indicating they want the place.

- It is established that the offer/place was obtained through fraudulent or intentionally misleading application
- Battling Brook will not withdraw a place once a child has started at Battling Brook, except where that place was fraudulently obtained.

In the normal admissions round i.e. when offers are made for first-time admissions national offer date 16<sup>th</sup> April, it will be assumed by the local authority that the offer is accepted unless it is refused. Once the academic year begins the school place should be taken up within 20 school days. If not, the local authority will afford the parent a reasonable time, (the regulations state 2 weeks) plus additional 7 days for a reminder, to accept the offered place. If no acceptance is received the offered place may be withdrawn. In addition, the local authority reserves the right to withdraw a school place, or an offer of a place where the place has been obtained by false or misleading information, for example an incorrect address or date of birth. Schools should be vigilant about such matters. The school may ask for a sight of the child's short birth certificate before admission.

Offers of places are also withdrawn if they were based on an address and the parent's address changes before the child is admitted. For example, if a child was offered a catchment area place and the family moves out-of-catchment before admission takes place, the offer of the place may be withdrawn.

### **Fraudulent Information**

If the allocation of a place has been made on the basis of fraudulent or intentionally misleading information, the governors reserve the right to withdraw the place.

### **Objections**

Objections to any aspect of the determined admissions arrangements may be made to the Office of the Schools Adjudicator ([www.education.gov.uk/schoolsadjudicator](http://www.education.gov.uk/schoolsadjudicator)), but must be made before 30<sup>th</sup> June.

### **Co-ordinated Schemes**

In accordance with the School Admissions Codes, Battling Brook Primary School will participate in two statutory co-ordinated processes as well as the non-statutory process;

- Starting school for the first time (statutory)
- Transferring to secondary school (statutory)
- Mid-term (In-Year) Transfers (non-statutory)

For a detailed breakdown of each process, please refer to the relevant Co-ordinated Scheme on Leicestershire School Admissions website.

### **In Care, Previously in Care and now Adopted**

Children in care of a Local Authority and those children who were previously looked after children, but ceased to be so because they were adopted (or

became subject to a residence order or special guardianship order) are considered under high priority in Leicestershire. In such circumstance proof must be a letter from the last Local Authority that placed the child in care. To be considered as 'in care or previously in care', Battling Brook Primary School does not stipulate a minimum length of time the child is or has been in care.

### **Early Transfer or Admission of Children Staying on Outside the Normal Age-Range**

Early transfers or admission of children staying on outside the normal age-range are exceptional and must be approved by Battling Brook Primary School.

The parent must request the exceptional arrangement in writing to Battling Brook Primary School. Battling Brook will then consider the request and the suitability of the arrangement. Expected numbers in the year group and the AN will be taken into account. Professional advice (e.g. from an Educational Psychologist) on the suitability of the arrangement may be sought in some cases, but this would not override any admissions decision. If the child has a Statement of Special Educational Need, the view of the Special Educational Needs Assessment Service (SENA) must be sought.

Children transferring younger than the normal age for transfer are subject to the same priority criteria as children in the normal transfer age-group, as long as:

- the relevant schools agree that early transfer is appropriate
- the Local Authority considers early transfer appropriate
- the child has been taught in classes with the academic year group which is one year older for at least three years.

### **Children who move out of the Catchment Area**

A child who has started attending and whose place of residence changes to an out-of- catchment address is entitled to retain his/her place in school.

Such an entitlement does not hold if the child changes phase of education in which case of entitlement to a place is according to the new address.

### **Excluded or Potentially Disruptive Pupils**

Battling Brook Primary School does not allow the refusal of admission because the pupil may disrupt the education of other pupils, but will consider exceptions according to the School Admissions Code. The School Admissions Code allows the refusal of places for children with "challenging behaviour" only for those schools able to demonstrate particularly high proportion of children with challenging behaviour or previously excluded children. In such circumstances the Governors must refer the case to the Fair Access Protocol.

Battling Brook Primary School is not able to refuse admission where such a pupil lives in the catchment area and the parent has applied properly, and where there is a place available within the AN.

There is no obligation to comply with a parental preference for a child who has been permanently excluded from two or more schools, for a period of two years following the latest exclusion. Parents of such children lose their right of appeal regarding admission. They may refer to the Secretary of State regarding directions to admit children.

A permanently excluded pupil must not be removed from the school register until any exclusion review is complete or until the time limit for notification of review has passed.

### **Children with Special Educational Needs**

Battling Brook does not allow the refusal of admission because it is believed that the school cannot cater for the child's special educational needs. Pupils with special educational needs but no Statement or EHCP are dealt with through normal admissions policy, and schools cannot refuse to admit a pupil because he/she does not have a Statement or is being assessed for a Statement.

All Governing Bodies are required by section 324 of the Education Act 1996 to admit to a school a child with a Statement of Special Educational Needs or EHCP that names the school. This is not an oversubscription criterion and schools must admit Statemented EHCP children whether they have places or not.

### **Children from Overseas**

Battling Brook must treat applications for children coming from overseas in accordance with European Union law or Home Office Rules for non-European Economic Area nationals. Non statutory guidance on this is available on the website of the Department for Education.

### **Home-School Agreements**

The School Standards & Framework Act does not allow signing a home-school agreement to be a condition for admission.

### **Deleting a Child's Name from the School's Register**

The Education Pupil Registration Regulations describe the circumstances in which a child's name can be deleted from a school's register. In normal circumstances it is not reasonable to delete a child's name from the school's register until it is confirmed that he/she is receiving education elsewhere.

### **Changes of Address Principles:**

- Residence in the catchment area is necessary to give entitlement to a place on request
- Where a school is over-subscribed or a family move into catchment after a published closing date for submission of applications, the School Admissions Service should seek to clarify parent's claim of change of address
- Generally, only one address is recognised for each family, and only one family for each address

- Places, or offers of places, may be withdrawn if they were based on incorrect information from the parents or their representatives
- Each case is considered on its facts.

It is generally not accepted that when allocating places in an over-subscribed school:

- Purchase of a second property by a family, while the first property is retained.
- Rented accommodation, while a previous property is retained.
- Offers or exchange of contracts on intended purchases or sales of properties.
- Informal accommodation arrangements with friends or relatives.

### **Exceptional circumstances:**

The School will always give serious consideration to any exceptional situations, such as where a family has been forced by circumstance to:

- move into temporary accommodation, having lost their previous residence, or
- where there is a long-term separation between the parents and the child spends time in the week at two separate parent addresses.

### **Verification of address:**

- Parent's written confirmation and declarations will be sought regarding important information. Parents will be asked to verify in writing that they are residing at the address claimed and intend to remain in the catchment area. Places will be withdrawn if such declarations are subsequently found to be incorrect or not honoured and the school is oversubscribed.
- Documentary evidence such as Council Tax payment, Rental agreement or, Child Benefit letter information will be sought.
- Claims of new residence in a school's catchment area will be judged on circumstances and the documents provided; completion of both sale and purchase, where relevant, are normally necessary before a place is allocated.
- Officers from the LA Admissions may be authorised to visit addresses to clarify whether families are living at the addresses claimed. Such visits will be undertaken in a reasonable fashion, by officers carrying appropriate identification.

### **Significant Change of Circumstances**

The School considers fresh information in support of a parental preference for a school place, even if it is received at a late stage in the admissions process. In normal circumstances there will be no difficulty in meeting the parent's preference if all the school places have not been allocated.

Where the school's places have all been allocated, the School will be unable to offer a place, but may give higher priority to the parent's request if a place

subsequently becomes available, according to the family's circumstances, in accordance with the priority criteria.

Verification, e.g. from professional persons or bodies, may be sought from the parent to confirm a change of circumstances. In such circumstances it remains the parent's duty to gather and provide the evidence.