

SWINDON ACADEMY STAFF POLICIES

Admissions and Induction Policy (O14)

General

1. This annex may be amended in writing at any time by agreement between the Secretary of State and United Learning Trust (“ULT”)
2. ULT will act in accordance with, and will ensure that the Independent Appeal Panel is trained to act in accordance with, all relevant provisions of the School Admissions Code and the School Admission Appeals Code published by the Department for Children, Schools and Families (“the Codes”) as they apply at any given time to maintained schools and with equalities law and the law on admissions as they apply to maintained schools. For this purpose, reference in the Codes or law to “admission authorities” shall be deemed to be references to ULT.
3. Notwithstanding any provision in this Agreement, the Secretary of State may:
 - (a) direct ULT to admit a named pupil to the Swindon Academy on application from a local authority. Before doing so the Secretary of State will consult ULT.
 - (b) direct ULT to admit a named pupil to the Swindon Academy if ULT has failed to act in accordance with this Annex or has otherwise failed to comply with applicable admissions and equalities legislation or the provisions of the Codes.
4. ULT shall ensure that parents and ‘relevant children’ will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of ULT. The Independent Appeal Panel will be independent of ULT. The arrangements for appeals will comply with the School Admission Appeals Code published by the Department for Children, Schools and Families. The determination of the appeal panel is binding on all parties.
5. ULT shall prepare guidance for parents and relevant children about how the appeals process will work and provide them with a named contact who can answer any enquiries they may have about the process. ULT may, if it chooses, enter into an agreement with a LA or any other organisation for it to recruit, train and appoint appeal panel members, and to arrange for the process to be independently administered and clerked.
6. In paragraphs 5 and 6 above, ‘relevant children’ means:
 - a) in the case of appeals for entry to a sixth form, the child, and;
 - b) in any other case, children who are above compulsory school age, or will be above compulsory school age by the time they start to receive education at the school.

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Annual Procedures For Determining Admission Arrangements

Consultation

7. ULT shall consult the following parties on the Academy's proposed admission arrangements for a minimum of eight weeks between 1 November and 1 March in the 'Determination Year'¹:
 - a) parents of children between the ages of two and eighteen;
 - b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
 - c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
 - d) whichever of the governing body and the local authority who are not the admission authority;
 - e) any adjoining neighbouring local authorities where the admission authority is the local authority; and
 - f) in the case of faith schools, the body or person representing the religion or religious denomination.

Such consultation shall be in line with the requirements of the Codes and relevant admissions legislation.

8. For the duration of the consultation period, the Academy will publish a copy of their full proposed admission arrangements (including the proposed PAN) on our website together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought. The Academy will also send upon request a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment.
9. **Determination¹** – ULT will determine admission arrangements by **15 April** every year, even if they have not changed from previous years and a consultation has not been required. Once the admission arrangements have been determined, the Academy will notify the appropriate bodies and will publish a copy of the determined arrangements on our website displaying them for the whole offer year (the academic year in which offers for places are made). The Academy will send a copy of their full, determined arrangements to the local authority as soon as possible before **1 May**.
10. Should ULT plan a PAN that is higher than in previous years, the Academy will notify the local authority that they have done so, and make specific reference to the change on our website.
11. Where ULT has determined the Academy's admission arrangements and notified all consultees listed in paragraph 7, if any of those persons or bodies objects to the Academy's admission arrangements, including the proposed admission number, they can make representations to the Secretary of State. Any representations must be made by 30 June in the Determination Year.

¹ A 'determination year' is the Academy Financial Year beginning two years before the Academy Financial Year which the admissions arrangements will be for e.g. consultation to end in March 2012 and determination to be in April 2012 for admissions in September 2013

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Publication of Admission Arrangements

12. ULT shall each Determination Year publish the Swindon Academy's agreed admission arrangements the Academy will notify the appropriate bodies and will publish a copy of the determined arrangements on our website displaying them for the whole offer year (the academic year in which offers for places are made). The Academy will send a copy of their full, determined arrangements to the local authority as soon as possible before **1 May**.

15. The published admission arrangements will set out:
 - a. the name and address of the Swindon Academy and contact details;
 - b. a summary of the admission policy, including full oversubscription criteria and any arrangements for post-16 admission;
 - c. a statement of any religious affiliation if relevant;
 - d. numbers of places and applications for those places in the previous year; and
 - e. arrangements for hearing appeals.

Procedure For Admitting Pupils To The Academy

Admission Number(s)

16. ULT has the following Planned Admission numbers for the Academy for the year 2012/2013, and for subsequent years:
 - a) **60** Full Time Equivalent pupils in the Nursery. This will consist of 120 part-time places.

 - b) **120** for pupils in Year **R** (FS1)

 - c) **60** for pupils in Year **7**. This number applies only to those being admitted from outside the Academy. The total year group size will be 180 including children who transfer automatically from the Academy's Year 6. If fewer pupils transfer from Year 6, the Academy will admit over the admission number up to the overall size of the Year 7 group.

 - d) Swindon Academy has capacity for 300 pupils in the sixth form with 150 places in Year 12. It will not admit external applicants unless it is undersubscribed by pupils progressing from its own Year 11 and in such circumstances it will apply the same academic entry requirements as it does to pupils already on roll in the Academy. If a tie-break is necessary to determine who is admitted, it will apply the oversubscription criteria in paragraph 21.

Swindon Academy also will admit up to 360 pupils on the Futsal 16-19 programme. These students will be educated at the satellite Football Futsal arenas in the South and South West of England, but will be under the pastoral care and academic scrutiny of Swindon Academy. The

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programme has its own published entry requirements which are based upon GCSE grades as well as a skilled based football assessment. Students failing to meet the grades for their preferred courses will be offered alternative courses if available at the academy or directed to other local colleges whichever is more suitable. The detailed information will be contained in the sixth form prospectus published annually.

17. In any specific year, ULT may set a higher admission number than Swindon Academy's agreed admission number for an applicable year group. Before setting an admission number higher than its agreed admission number, ULT will follow the procedure outlined in point 10.

Infant Class Size

18. Infant classes in the Academy (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **will not** contain more than 30 pupils with a single school teacher. Additional children may be admitted under limited 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. The excepted children are:

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil.

Process of Application

19. Arrangements for applications for places at Swindon Academy will be made on the Common Application Form provided and administered initially by the relevant local authority and then forwarded to Swindon Academy.

Process of Application (Secondary Phase)

- a. September - The Academy will publish in its prospectus information about the arrangements for admission, including oversubscription criteria, for the following September (e.g. in September 2012 for admission in September 2013). This will include details of open evenings and other

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opportunities for prospective students and their parents to visit the school. The Academy will also provide information to the LA for inclusion in the composite prospectus, as required;

- b. September/October - The Academy will provide opportunities for parents to visit the Academy;
- c. 31st October– National closing date for secondary school applications.
- d. 28 February- Deadline to publish our appeals timetable on our website.
- e. 1 March 2013 National offer day for secondary school places.
- f. 30 June 2013 Deadline for Local Authorities to report to the Schools Adjudicator on admission arrangements in their area.
- g. September- New intake starts at the Academy.

Process of Application (Primary Phase)

Children will normally be admitted in the September of the academic year in which they reach their fifth birthday. Children born from September 1st to the following August 31st inclusive will be offered a full-time place from September. Parents have the right to defer their child's admission to the Academy to the start of any subsequent term which occurs before the child has passed his/her fifth birthday. In such circumstances, a place can be held open during the same academic year, for any child providing the offer of a place has been made and accepted during the normal admissions round. Parents seeking such a deferment will be required to make this clear at the time of application. The Academy will use the following timetable for applications each year (exact dates within the months may vary from year to year) which, whenever possible, will fit in with the common timetable agreed by the Admissions Forum or LA:

December- Common Application Form to be completed and returned to the LA initially before forwarding to the Academy to administer;

- a. 15th January- National closing date for primary school applications
- b. 16 April- National offer day for primary school places - the first National Offer Day for primary school places will occur in 2014 for the 2014/15 intake).

Process of Application (Nursery)

Children will be admitted to the Academy's nursery on a part-time basis at the beginning of the academic year they become four. The Academy will offer up to 120 such sessional places. All applications will be made on the Academy's Nursery Application Form and submitted to the Academy by the final term day in the December preceding the year of entry. Offers will be made to parents on the same date as indicated for the Primary Phase above.

The taking up of a nursery place does not, in itself, give a right to a place at the Academy for the Reception year. A separate application must be made for transfer from nursery to primary school.

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Consideration of Applications

20. ULT will consider all applications for places at Swindon Academy. Where fewer than the published admission number(s) for the relevant year groups are received, ULT will offer places at Swindon Academy to all those who have applied.

Secretary of State's Power of Direction (Academies)

21. Where a local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, 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, and can seek advice from the Adjudicator in reaching a decision. ULT will follow this procedure.

Procedures Where Swindon Academy is Oversubscribed

Primary and Secondary Phase Criteria

22. Where the number of applications for admission is greater than the published admission number, applications will be considered against the criteria set out below. After the admission of pupils with statements of Special Educational Needs where Swindon Academy is named on the statement, the criteria will be applied in the order in which they are set out below:
- a. A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).
 - b. Children with a sibling attending the school at the time of application. Sibling is defined in these arrangements as children who live as brother or sister in the same house, including natural brothers or sisters, adopted siblings, stepbrothers or sisters and foster brothers and sisters.
 - c. Other children by distance from the school, with priority for admission given to children who live nearest to the academy
 - I. For secondary admissions distance will be measured between the door of the student's permanent address and the entrance of the main gates of the Academy secondary site. (Beech Avenue)

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- II. For primary admissions distance will be measured between the door of the student's permanent address and the nearest entrance of the nearest Academy primary site.
- d. Children who have specific medical needs, social needs and special needs without a statement naming the Academy where the application is supported by written supporting evidence from an appropriately qualified person as to why the Academy is the only setting that can meet the child's needs. It is the responsibility of parents to show that it is essential for the child to attend the Academy rather than any other school.

If false or misleading information is used to gain entry to the Academy, the offer of a place may be withdrawn.

In the event of a tie-break being necessary within the criteria b) to d), this will be conducted through a process of random allocation.

Nursery Criteria

In the event of oversubscription, the following criteria will be applied in priority order:

- a. A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).
- b. Children with a sibling attending the school at the time of application. Sibling is defined in these arrangements as children who live as brother or sister in the same house, including natural brothers or sisters, adopted siblings, stepbrothers or sisters and foster brothers and sisters.
- c. Other children by distance from the school, with priority for admission given to children who live nearest to the academy - distance will be measured between the door of the student's permanent address and the nearest entrance of the nearest Academy primary site.
- d. Children who have specific medical needs, social needs and special needs without a statement naming the Academy where the application is supported by written supporting evidence from an appropriately qualified person as to why the Academy is the only setting that can meet the child's needs. It is the responsibility of parents to show that it is essential for the child to attend the Academy rather than any other school.

If false or misleading information is used to gain entry to the Academy, the offer of a place may be withdrawn.

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If places remain available they may be offered to children whose third birthday falls between 1st September-31st March.

- Children born between 1st September-31st December will be admitted from the start of the spring term.
- Children born between 1st January-31st March will be admitted from the start of the summer term.

In the event of a tie-break being necessary within any criteria, this will be conducted through a process of random allocation.

Post 16 Progression Criteria

23. The Academy will publish specific academic criteria in relation to minimum entrance requirements for year 12 based upon GCSE grades or other measures of prior attainment. The Academy will also publish academic entry requirements for each course available based upon GCSE grades or other measures of prior attainment. Children failing to meet the grades for their preferred courses will be offered alternative courses if available. The detailed information will be contained in the sixth form prospectus published annually.

Children already on roll are entitled to transfer to year 12 if they meet the published standards for entry.

24. There will be a right of appeal to an Independent Appeals Panel for any pupils refused entry.

Operation of Waiting Lists

25. The Academy will maintain a clear, fair and objective waiting list for at least the first term of the academic year of admission; each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority will be given to children based on the date their application was received or their name was added to the list. Looked after children, previously looked after children, and those allocated a place at the school in accordance with a Fair Access Protocol, will take precedence over those on a waiting list.

Arrangements for Admitting Pupils to Other Year Groups i.e. other than Year R, 7 and 12, including to replace any pupils who have left the Academy

26. On receipt of an in-year application, the Academy will 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. The Academy will also inform parents of their right to appeal against the refusal of a place.

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Offering a place – If the Academy is oversubscribed, it will rank applications in accordance with the criteria (Point 22).

Appendix – Relevant Legislation

This appendix sets out the primary legislation and regulations most relevant to admissions decisions. Admission authorities, Schools Adjudicators, appeal panels, local authorities and maintained schools **must** comply with the relevant law as well as acting in accordance with the provisions of this Code.

This Code and the School Admission Appeals Code (the Codes) are applied to Academies through their Funding Agreements. The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law: that is for the courts.

Equality Act 2010

This Act consolidates the law prohibiting discrimination, harassment and victimisation and expands the list of protected characteristics. All schools **must** have due regard to their obligations under the Act and to review their policies and practices to make sure these meet the requirements of the Act, even if they believe that they are already operating in a non-discriminatory way.

An admission authority **must not** discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.

An admission authority **must not** harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.

An admission authority **must not** victimise a person in relation to a protected act either done, or believed to have been done by that person (e.g. bringing proceedings under the Equality Act 2010) in the arrangements and decisions it makes as to who is offered admission as a pupil.

This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character (faith schools) are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.

Admission authorities are also subject to the Public Sector Equality Duty and therefore **must** have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of

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opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Further guidance on the Public Sector Equality Duty is available on the website of the Government Equalities Office and from the Equality and Human Rights Commission.

Human Rights Act 1998

The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

School Standards and Framework Act 1998

Chapter 1 of Part 3 of the School Standards and Framework Act 1998 contains the key provisions regarding schools admissions, including the statutory basis for this Code.

Section 86 of the SSFA 1998 provides that the admission authority for a maintained school (with the exception of those that select wholly by ability) **must** comply with any preference expressed by a parent except where to do so would prejudice the provision of efficient education or the efficient use of resources.

Section 94 of the SSFA 1998 provides that parents (and in some circumstances children) may appeal against a decision to refuse admission to the school. Two or more admission authorities in the same local authority area may make joint arrangements.

The Codes largely include the provisions relating to school admissions made in regulations. The most relevant regulations are:

- a) The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012;
- b) The School Admissions (Infant Class Sizes) (England) Regulations 2012;
- c) The School Admissions (Appeals) (England) Regulations 2012; and
- d) The School Information (England) Regulations 2008