

ANNEX 1

THE ADMISSION OF PUPILS TO THE SWINDON ACADEMY

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 the generality of paragraph 2 of this Annex, ULT will take part in the Admissions Forum set up by Swindon Borough Council (the “LA”) and have regard to its advice; and will participate in the co-ordinated admission arrangements operated by the LA and the local in-year fair access protocol.
4. 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.
5. 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 as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.
6. 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.

- 7 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.

Relevant Area

8 Subject to paragraph 9, “relevant area for consultation” means the “Relevant Area” determined by the local authority for maintained schools in the area (in accordance with the meaning of “Relevant Area” within the School Admissions Code).

9. If the Academy does not consider this meaning to be appropriate, it must apply to the Secretary of State by 1 August for a determination, setting out the reasons for this view.

10. The Secretary of State will consider the Academy’s application and will by 30 September either:

- a. determine the area for consultation; or
- b. determine that the meaning within paragraph 8 should apply.

11. The Secretary of State may consult the local authority before making such a determination

12. Within 14 days of the Secretary of State’s determination, the Academy will notify the consultees listed in paragraph 14 of the determination.

13. In the event of a paragraph 10a determination, a map of the relevant area (or a list of post-codes) will be attached as an appendix to this annex B.

ANNUAL PROCEDURES FOR DETERMINING ADMISSION ARRANGEMENTS

Consultation

14. 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) The LA.
- b) The admission forum for the LA.

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 2009 and determination to be in April 2009 for admissions in September 2010

- c) Any other admission authorities for primary and secondary schools located within the relevant area for consultation.
- d) Any other governing body for primary and secondary schools (as far as not falling within paragraph c)) located within the relevant area for consultation.
- e) Affected admission authorities in neighbouring local authority areas.
- f) Parents living in the relevant area for consultation whose children have attained the age of two but are not above compulsory school age and who are or will be eligible to apply to be admitted to the Academy;
- g) Community groups which the Academy considers relevant;
- h) Teaching unions if the consultation includes an increase in admission number.

Such consultation shall be in line with the requirements of the Codes and relevant admissions legislation, which at the date of this Agreement is section 89 of the School Standards and Framework Act 1998 as amended, and Regulations under that section.

15 From 2011-12, and for subsequent years, consultation in line with paragraph 14 is not required in any year where the following conditions are met:

- a) the admission arrangements were consulted upon in one or both of the previous two years; and
- b) there have been no changes, or proposed changes, since the last consultation.

16 As soon as any changes are made to arrangements, or proposed, the consultation cycle in paragraph 8 must be followed for the next determination year.

Academy Trust Determination of Admission Arrangements

17. ULT will consider comments made by those consulted in accordance with paragraph 14, including any requests to amend the proposed admission number, before determining the admission arrangements for the Academy.

18. ULT will determine the Academy's admission arrangements annually by 15 April of the Determination Year and notify consultees listed in paragraph 8 what has been determined within 14 days of that decision being made.

Representations about admission arrangements

19. Where ULT has determined the Academy's admission arrangements and notified all consultees listed in paragraph 14, if any of those persons or bodies object 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.

Secretary of State's Consent for Changes to Admission Arrangements

20. Where the admission arrangements determined in a Determination Year in accordance with paragraph 12 are different from the admission arrangements currently in existence for the Academy, ULT shall by 30 June in the Determination Year apply to the Secretary of State for him to consent to such amended admission arrangements.

Secretary of State's Power to Accept, Modify or Reject Admission Arrangements

21. Where the Secretary of State has received any representations made in accordance with paragraph 19, the Secretary of State must consult ULT on such representations. Following such consultation, by 31 July in the Determination Year the Secretary of State may direct that ULT amends the proposed admission arrangements for the Academy. ULT shall comply with any such direction.

22. Where the Secretary of State has received an application made in accordance with paragraph 19 seeking his consent to any amended admission arrangements, the Secretary of State must by 31 July in the Determination Year either approve the amended admission arrangements or direct that the amended admission arrangements are not implemented or must be modified. ULT must comply with any such direction.

Publication of Admission Arrangements

23. ULT shall each Determination Year publish the Swindon Academy's agreed admission arrangements by:

- a) copies being sent to the persons consulted in paragraph 8;
- b) copies being sent to primary and secondary schools in the LA's area;
- b) copies being sent to the offices of the LA;
- c) copies being made available without charge on request from the Academy;
- d) copies being sent to public libraries in the area of the LA for the purposes of being made available at such libraries for reference by parents and other persons.

- e) a copy being uploaded to the Academy's website.
24. 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.

Proposed Changes to Admission Arrangements by the Swindon Academy After Arrangements Have Been Published

25. Subject to paragraph 26, once the Academy's admission arrangements have been determined for a particular year and published, ULT will not make any change to such arrangements unless there is a major change of circumstances and the following procedures have been followed:

- a) ULT has consulted those who are required to be consulted under paragraph 8 above on the proposed variation;
- b) following such consultation, ULT has applied to the Secretary of State to approve the change setting out:
 - i) the proposed change;
 - ii) reasons for wishing to make such a change;
 - iii) any comments or objections to the proposal from those consulted; and
- c) following such application, the Secretary of State has provided his consent to the proposed variation.

26. ULT shall following the prior written agreement or direction of the Secretary of State vary the Academy's admission arrangements where such changes are necessary to ensure compliance with the relevant provisions of admissions law or the Codes as they apply to maintained schools. Such changes may be made at any time.

27. Any changes to the Academy's admission arrangements brought about through the variation processes in paragraphs 25 or 26 above must be published within the Academy's prospectus and on its website and be communicated within 7 days to those persons who must be consulted under

paragraph 14.

28. ULT must make arrangements for a parent of a child who has attained the age of two but is not above compulsory school age and who has been, is or will be eligible to apply to be admitted to the Academy to make representations to the Secretary of State that any aspect of the Academy's admission arrangements does not comply with the relevant provisions of admissions law or the Codes as they apply to maintained schools.

29. Where a representation is made in accordance with paragraph 22, the Secretary of State may, after consulting ULT, direct that ULT modify its arrangements for the admission of pupils to the Academy so that they comply with the relevant provisions of admissions law and the Codes as they apply to maintained schools. ULT must comply with any such direction.

30. Records of applications and admissions to the Academy shall be kept by ULT for a minimum period of ten years and shall be open for inspection by the Secretary of State.

PROCEDURE FOR ADMITTING PUPILS TO THE ACADEMY

Admission Number(s)

31. ULT has the following agreed admission numbers for the Academy for the year 2010/2011 and, subject to any changes approved or required by the Secretary of State, for subsequent years:

- a) **60** Full Time Equivalent pupils in the Nursery. This will consist of 120 part-time (12.5 hrs/week) places.
- b) **120** for pupils in Year **R**
- c) **180** for pupils in Year **7**. 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 38.

32. 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 consult those listed at paragraph 14. Pupils will not be admitted in any year group above the published admission number for that year group unless exceptional circumstances apply and such circumstances shall be reported to the Secretary of State.

33. If the Academy admits a total of 26 pupils in excess of its admission number in any 3 year period it will determine a higher admission number, after consulting those bodies listed at paragraph 14.

Process of Application

34. Arrangements for applications for places at Swindon Academy will be made in accordance with the LA's co-ordinated admission arrangements and will be made on the Common Application Form provided and administered by the relevant local authority.

35. ULT will use the LA's timetable for applications to Swindon Academy each year (exact dates within the months may vary from year to year). This will fit in with the timetable for the co-ordination of admission arrangements within the LA as agreed by the, Admissions Forum, LA, local schools and Academies.

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 2010 for admission in September 2011). This will include details of open evenings and other 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) October– Common Application Form to be completed and returned to the LA to administer;
- d) November - LA sends application details to Academy;
- e) January - Academy returns ranked list, based on admissions criteria, of all applications to LA;
- f) February - LA applies agreed scheme for local schools, informing other Local Authorities of offers to be made to their residents;
- g) 1st March offers made to parents by LA;
- h) 22nd March-Deadline for parents to accept or refuse the offer of a place.

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:

- a) December- Common Application Form to be completed and returned to the LA to administer;
- b) January-LA sends application details to the Academy;
- c) February-Academy returns ranked list, based on admissions criteria, of all applications to the LA;
- d) LA applies agreed scheme for local schools;
- e) 8th March-LA informs Academy of final admissions list;
- f) 16th March-Offer made to parents by LA;
- g) April-Deadline for parents to accept or refuse the offer of a place.

Process of Application (Nursery)

Children will be admitted to the Academy's nursery on a sessional basis (3 hours per day/15 hours per week from 2010) 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.

36. From 2011-12 there will be a national closing date for applications as follows:

- a) 31 October for secondary applications; and
- b) 15 January for Primary applications

The Academy will ensure its application processes enable parents to apply before these deadlines. From 2011-12 the date for nursery applications will be the same as the date for primary applications.

Consideration of Applications

37. 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.

Procedures where Swindon Academy is oversubscribed

Primary and Secondary Phase Criteria

38. 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. Children in Public care, who are in public care at the time when preferences are expressed and are still expected to be in public care when admitted to the Academy.
- b. Children who have specific medical needs, social needs and special needs students 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.
- c. Children who are siblings of students who attend the Academy, and will still be attending when the child starts, other than students who at the time are in the sixth form but were not previously in lower years. The term "siblings" refers to full, step, half, adopted or fostered brothers or sisters living permanently at the same address. The Academy reserves the right to ask for proof of relationship such as a short birth certificate.
- d. Children whose permanent address is closest to the Academy. The distance which determines how close the child lives to the Academy is the shortest walking distance along public highways and footpaths

between the door of the student's permanent address and the nearest relevant entrance to the Academy's main building. A child's permanent address is where he or she normally lives and sleeps and goes to school from. Proof of residence such as a utility bill or council tax bill can be requested.

- 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
- 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.

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 final tie-break being necessary within the criteria b) to d), this will be conducted through a process of distance measurement.

Twins, triplets and other children from multiple births

In the event that the Academy has one place to offer and the next child on the admissions list is one of twins, triplets or other multiple birth, the Academy will contact the parents who will need to decide whether to accept one place at the Academy or to keep the children together by accepting another school. If it is decided to accept the one place on offer, the parent may choose which child should be admitted or, if they prefer, the child will be determined by the Academy through a process of random allocation.

Nursery Criteria

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

- a) Children in the care of a local authority or provided with accommodation by a local authority (as defined by section 22 of the Children's Act 1989).
- b) 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.
- c) Siblings of students who will be attending the Academy on the date when the applicant would be admitted other than students who at the time are in the sixth form but were not previously in lower years. The term "sibling" means a full, step, half, adopted or fostered brother or sister, but not cousins, who lives at the same permanent address. The Academy reserves the right to ask for proof of relationship such as a short birth certificate.

d) Children whose permanent address is closest to the Academy. Swindon Academy operates nursery provision on two sites. The distance which determines how close the child's permanent address is to the Academy is the shortest walking distance along public highways and footpaths between the door of the child's permanent address and the nearest entrance of the nearest Academy primary site (Beech Avenue or Alton Close). A child's permanent address is where he or she normally lives and sleeps and goes to school from. Proof of residence such as a utility bill or council tax bill can be requested.

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

39. 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.

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

Operation of waiting lists

41. Subject to any provisions regarding waiting lists in the LA's co-ordinated admission scheme, the Academy will operate a waiting list for each year group. Where in any year Swindon Academy receives more applications for places than there are places available, a waiting list will operate until the final day of the first term. This will be maintained by ULT and it will be open to any parent to ask for his or her child's name to be placed on the waiting list, following an unsuccessful application

42. Children's position on the waiting list will be determined solely in

accordance with the oversubscription criteria set out in paragraph 32, above. Where places become vacant they will be allocated to children on the waiting list in accordance with the oversubscription criteria.

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

43. From 2011-2012 local authorities will co-ordinate admissions for in-year applications and for applications for year groups other than the normal point(s) of entry. This will not affect Academies' right to determine which applicants have priority for admission.

44. Subject to any provisions in the LA's co-ordinated admission arrangements relating to applications submitted for years other than the normal year of entry, ULT will consider all such applications and if the year group applied for has a place available, admit the child unless one of the permitted reliefs apply. If more applications are received than there are places available, the oversubscription criteria in paragraph 32 shall apply. Parents whose application is turned down shall be entitled to appeal.

Arrangements for Admission of pupils as Swindon Academy Builds to its Full Capacity

45. There will be a right of appeal to an Independent Appeal Panel for unsuccessful applicants.