

# LOCAL IN-YEAR COORDINATION

Local in-year scheme of admission 2022/2023



## **2022/2023 LOCALLY AGREED IN-YEAR ADMISSIONS SCHEME**

### **Introduction**

1. The School Admissions Code allows local authorities to coordinate in-year admission requests (2.21 of the School Admissions Code 2014). All admission authorities must have fair, clear and objective admission arrangements so that parent/carers can look at the arrangements and easily decide how places will be allocated at that school.
2. The provisions in the Code relating to factors that can be taken into account when considering an application apply equally to in-year applications and applications at the normal point of entry. School places must not be allocated with reference to ‘first preference first’ arrangements. No account may be taken, amongst other things, of reports from previous schools about past behaviour (unless the child has “challenging behaviour” as defined in the appropriate Fair Access Scheme), attendance, attitude or achievement. Admission authorities cannot place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.
3. Applications must be considered without undue delay and the local authority must provide a suitable application form for the purpose.
4. Local authorities must, on request, inform parent/carers about places still available in all of the schools in its area. In turn, schools must inform the local authority of any movement within the school so that up to date data can be maintained.
5. The local authority will administer the locally agreed scheme on behalf of participating schools in its area. By so doing, the administrative burden is removed from schools in regard to their duty to inform the local authority of all applications received and to make formal response to the application in compliance with the School Admission and School Appeals Codes. This scheme will also enable monitoring of pupil movement within the city which will assist the local authority in its role to monitor effective admission arrangements, school place planning and children missing education. Applicants for schools not participating in this scheme will be referred to the school direct.

### **Interpretation**

6. In the scheme:
  - **ACE** means the Alternative Complementary Education Services;
  - **admissions authority** in relation to a community or voluntary controlled school means the local authority and, in relation to an academy, foundation, free, studio, trust, VA school or UTC, means the Board of Governors of that school or the multi academy trust where this applies;
  - **admission arrangements** means the arrangements for a particular school or schools which govern the procedures and decision making for the purposes of admitting pupils to the school;
  - **eligible for a place** means that a child has been placed on a school’s ranked list at such a point which falls within the school’s published admission number (PAN) or other agreed limit;
  - **in-year admission** means any application for a place in the first year of entry to an infant, primary, junior, key stage 4 or secondary school that is received on or after the date specified in Schedule 2, and applications for a place in any other year group received at any time from the commencement of the scheme;

- **local authority (LA)** means the local council. The LA for Plymouth is Plymouth City Council;
  - **NoR** means the number of pupils on roll at a school in a particular year group;
  - **other agreed limit** means a number agreed with the City Council;
  - **AN** means the admission number for the year group;
  - **PAN** means the published admission number for the year of entry at a school;
  - **participating school** means a state funded school other than one which receives funding direct from the government for the admission process unless that institution buys into the LA's school admissions service. In the main, this will affect academies, free schools, studio schools and UTC's.
  - **the specified year** means the school year 2022/2023, starting September 2022;
  - **school** means a maintained community, foundation, free, trust, voluntary aided (VA) and voluntary controlled school or an academy, studio school or UTC (but not a special school);
  - **UTC** means university technical college.
7. The scheme for participating schools shall be determined and processed in accordance with the provisions set out in Schedule 1 and the timetable set out in Schedule 2.
  8. The scheme shall apply to participating infant, primary, junior and secondary schools in Plymouth (including academy schools, studio schools and UTCs but excluding special schools and independent schools) and shall take effect from entry in September 2022.
  9. The primary coordinated admissions scheme and the secondary coordinated admissions scheme cover the admission of children to school at the normal point of entry (e.g. starting reception/foundation, starting junior school in year 3, starting secondary school in year 7 and starting in Year 9 or 10 at a key stage four school such as a UTC or studio school). However, a number of children will require admission to school at other times and these admissions, known as in-year admissions will be covered under this scheme with the exception of admissions to nursery schools and years 12 and 13, which are outside the scope of these arrangements.
  10. Applications for admission to nursery schools and years 12 and 13 should be submitted to the school(s) direct and must be considered in accordance with the admission arrangements appropriate to that entry point.
  11. Where a child is not resident with his or her parent/carer, parental responsibility must be conferred by the parent/carer directly on the person with whom the child is to reside and not on a third party or a commercial or charitable organisation. Where this involves a person who is not a close relative of the child, it is the responsibility of that person to refer the arrangement to social care as a private fostering arrangement.
  12. The LA reserves the right to require documentary evidence before accepting that information given in an application is genuine. The LA may consult with schools, other council departments or the health authority or may ask parents to provide evidence.
  13. The scheme shall be based on an **equal preferences** system. The PAN set for a particular year of entry will normally be maintained as that year group progresses through the school.

14. In regard to admissions to schools, the Plymouth School Admissions Team will:
- Act as champion for children and families;
  - Offer advice to parents and schools;
  - Monitor and challenge the admission arrangements of schools within Plymouth;
  - Operate an admissions scheme (this scheme) for admissions other than at the normal point of entry normal point of entry to infant, primary, junior, secondary and key stage four schools in Plymouth;
  - Operate an admissions scheme for normal point of entry to secondary and key stage four schools in Plymouth;
  - Operate a Fair Access policy to ensure that outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible;
  - Act as the admission authority for community and voluntary controlled schools;
  - Assist schools to rank their applications according to their oversubscription criteria;
  - Manage school waiting lists as required;
  - Support schools in the preparation and presentation of school admission appeals;
  - Liaise with other teams within Plymouth City Council and other LAs in the planning of school places;
  - Report to the Office of the Schools Adjudicator on admissions for all schools in Plymouth for which we coordinate admissions;
  - Offer a traded service to academy schools to support them in the delivery of their responsibilities for school admissions.

## **SCHEDULE 1**

### **PART 1 - THE SCHEME**

1. All parents seeking a school place will be required to make a written application for a school place using the common application form available from the LA known as the 'In-year application form'.
2. The common application form shall be used by all applicants' wishing to apply for a school place at a participating school in Plymouth other than at the normal point of entry. Parent/carers seeking a school place in-year in another LA should contact that LA for advice on how to submit an application for a school place.
3. The scheme comes into force from the date specified in Schedule 2. Once completed, the common application form will be submitted to Plymouth City Council. Any requests for admission received by a participating school direct (e.g. from other admission authorities, parent/carers, other LAs) must be forwarded to Plymouth City Council without delay. The common application form shall be used as a means of expressing one or more preferences, in accordance with the School Standards and Framework Act 1998, Section 86, by parent/carers wishing to express a preference for their child to be admitted to a school in Plymouth (including academies, foundation, free, studio, trust or VA schools or UTCs). Parent/carers submitting an application via the LA may specify up to three school preferences on their application.
4. The common application form and the written information that accompanies it shall:
  - a) invite the parent/carers to express up to three preferences in the rank order of

preference;

- b) invite the parent/carer to give reasons for each preference;
- c) explain that the parent/carer may receive an offer of a school place and that:
  - i) a place will be offered at the highest ranking, nominated school for which the child is eligible for a place; and
  - ii) if a place cannot be offered at a nominated school, a place may be offered at an alternative school;
  - iii) any refusal of a place applied for will explain clearly why a place has not been allocated and will explain the right and procedure for appeal.
5. The City Council shall make appropriate arrangements and take all reasonable steps to ensure that the common application form is available on the City Council's website and on request from the City Council. The website will also display a guide for parents which provides a written explanation of the scheme.
6. The admission authority for a school may require parent/carers to provide supplementary information, only where the supplementary information is required for the admission authority to apply its over-subscription criteria or Fair Access scheme to the application and where the information is not already collected on the common application form.
7. When a participating school receives supplementary information, it shall not be regarded as a valid application unless the parent/carer has also completed the City Council common application form. Where supplementary information is received directly by a school in the absence of a common application form, the school shall inform the City Council so that it can verify whether a common application form has been received from the parent/carer and, if not, contact the parent/carer to ask them to complete one.
8. It is necessary that the information available to the City Council regarding NoR in any year group is accurate and up to date. There is also a legal requirement on schools, in the Children Missing Education statutory guidance, to inform the City Council immediately when a pupil is taken on or off roll. Likewise, in the School Admissions Code, admission authorities must notify the local authority of every application received and the result of the application. To this end, all Plymouth schools will inform the School Admissions Team of pupil movement – both of those leaving and those starting at the school without delay so that vacancies can be identified and a pupil's whereabouts tracked for safeguarding reasons.
9. Plymouth schools not participating in this scheme are required by law to notify the LA of applications received on receipt and also to notify the outcome of the application and to respond to requests for information by the LA.
10. Immediate provision of pupil tracking information by schools to the LA is a legal requirement under the Children Missing Education Regulations as well as the School Admissions Code. Non-compliance will be raised with the school in the first instance and if necessary, raised with the Education Skills and Funding Agency or the Department for Education as appropriate.

## Applications outside of the chronological age group

11. Places will normally be offered in the year group according to the child's date of birth but a parent/carer may submit an application for a year group other than the child's chronological year group. A decision will be made on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent/carer's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. The admission authority will also take into account the views of the headteacher of the school(s) concerned. Parent/carers must not assume that the decision of one school will transfer with the child to a different school as the decision rests with the individual admission authority. Where a place is refused in a different Year Group but a place is offered in the school, there will be no right of appeal.

- (i) In respect of schools for which the City Council is the admission authority or in respect of own admission authorities who have delegated the function to the local authority:
  - a decision will be made in conjunction with the School Admissions Support Manager as to whether an application would be accepted for out of age cohort transfer reviewing the educational, social, and physical needs of the child as demonstrated by the case made.
- (ii) In respect of other own admission authority schools:
  - a decision will be made by the admission authority as to whether an application would be accepted for out of age cohort transfer reviewing the educational, social, and physical needs of the child as demonstrated by the case made.

Where an application is accepted out of age cohort, it will be considered in accordance with the normal admission arrangements.

Parents must not assume that an admission authority's decision to educate out of age cohort will be accepted by another admission authority and that potentially, there may be issues should the child change school.

Children being considered for admission to a grammar school take the relevant grammar selection tests.

## Processing application forms

12. In respect of participating schools, completed application forms should be returned to the City Council. Any application received by a school must be forwarded to the City Council without delay. A parent/carer approaching a school with a view to admission must be referred to the City Council for the City Council to act upon the admission request. Should an application be received by the LA for a non-participating school, the applicant will be referred to the school direct.
13. If a participating school is approached by a parent/carer seeking admission and determines that the admission request is on behalf of a vulnerable child who requires priority admission and the school has room in the year group, the school should arrange for the parent/carer to complete the common application form at the school and immediately notify the City Council of receipt of the application, at the same time, emailing a copy of the completed application form to the City Council. The City Council will, where possible, prioritise that application by establishing whether the admission could cause prejudice to other applications received and notify the school without delay of the outcome. This measure should streamline the process for urgent admission requests. Note however that any admission request could not be considered until the day following receipt due to the scheme close date for application and possible prejudice.

14. The close date for applications under this scheme will be midnight each working day.
15. In the case of duplicate submissions, the later application submitted by the parent/carer will overwrite an earlier submission.
16. Changes of preference must be submitted in writing, verbal changes will not be accepted.
17. Applications will normally be accepted no more than six school weeks before the date that the school place is required and the applicant will normally be expected to take up the place within two weeks of allocation of that place or within six weeks from the date of application whichever is the later. Failure to take up the place within the expected time may lead to withdrawal of the allocated place.
  - In the case of UK service personnel this application period may be extended up to 12 school weeks if the application is accompanied by an official government letter which declares a relocation date and a Unit postal address or quartering area address this area.
  - In the case of children attending a specialist unit at a Plymouth school or a child with an EHCP, the application period will be extended to 12 school weeks to allow enhanced transition processes.
  - In the case of a child currently in the care of the local authority, the application period will be extended to 12 school weeks to allow a smooth transition.
  - In the case of a child referred to the Fresh Start Panel, the period may be extended up to 12 school weeks.

### **Determining consideration of the common application form**

18. On receipt of a common application form, the request will be reviewed in the light of the City Council's Fair Access Protocol. All schools must participate in the Fair Access Protocol regardless of whether or not they participate in the local in-year coordinated scheme.

For the majority of children, the application to transfer school will be straightforward. The PAN set for the normal point of entry is usually applied to all year groups. Applications will be considered up to PAN or other agreed limit. Looked after children or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order will be admitted to the school even where that school is above PAN or other agreed limit as long as the regulations relating to infant class size are not compromised and the school can confirm that it will not be prejudicial to provision of efficient education or the efficient use of resources to admit the child. In particular, this will relate to health and safety considerations.

Certain categories of children may face challenges, including behaviour, which require additional consideration and support. Others may be classed as particularly vulnerable. Details of the Fair Access Protocol are available on the City Council website at [www.plymouth.gov.uk/childrenandfamilies/schoolseducationskillsandemployability/schooladmission/howweallocateschoolplaces](http://www.plymouth.gov.uk/childrenandfamilies/schoolseducationskillsandemployability/schooladmission/howweallocateschoolplaces).

### **Requests for transfer of school between participating schools**

19. Parent/carers are entitled to request a change of school at any time during the year. However, a transfer of school isn't a decision to be taken lightly, particularly mid-way through a year. Many children can become unsettled by a change of school environment and may suffer emotionally as well as academically. Once examination options have been selected, which may be as early as Year 9, a transfer of school should be avoided because it will be difficult to match chosen options and

exam boards in alternative schools. As part of the application process, the headteacher of the child's current school will always be notified of the request to change schools as they may wish to submit information to help consideration of your case. The school requested in the application may be provided with an adapted copy of your application to enable ranking of your application and once an allocation has been made, the school will receive a copy of your full application.

### **Children and young people who are LGBT – (lesbian, gay, bisexual, transgender)**

20. Children and young people who are LGBT should feel able to apply to a school without any restrictions. Where a school or college is co-educational, the gender a person associates with has no bearing on an admissions application. Plymouth's application forms ask for the child's gender. At this point, the gender appropriate to the birth certificate should be entered. Further information relating to gender identity and the reasoning for selection of a particular school can be given on the application form.
21. In the case of transgender applicants, where a parent selects a placement in a single sex school opposite to the birth gender, the application will be considered and a decision made on the individual circumstances of the case. This is a complex decision and not all children will be competent to take it at the time of transfer. As part of the case consideration, we would seek evidence from the family that they have thought through the issues carefully and in most cases would expect them to be able to provide us with some independent evidence from a medical professional or other worker who has been involved in the situation.

### **Parent/carer responsibility**

22. Any person with legal parental responsibility for a child is entitled to be involved in all major decisions affecting the child(ren) which includes where the child attends school. When an application is submitted for a school place, the person signing the application form is also confirming that everyone with parental responsibility has been informed that the application is being made. Occasionally, objections are later raised by a person with legal parental responsibility.
23. Where this happens, we will ask for evidence of legal parental responsibility and will also ask all parties for evidence of court orders relating to education. In the absence of such an order, we will make a decision in the best interest of the child taking into account any views submitted by persons with parental responsibility, the child's residence and who has day to day responsibility for the child e.g. transport to school. Where an objection is raised, parent/carers will be advised to seek legal advice with a view to obtaining a final court order relating to education/special guardianship. Once we receive evidence of this order, the case will be reviewed.

### **Mode of attendance**

24. Children are entitled to a full time place in the September following their fourth birthday. Where parent/carers wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age. Arrangements should be made with the school direct.
25. Once a place has been allocated to children in the foundation year, parent/carers can defer the date their child is admitted to school until later in the school year but not beyond the point at which they reach compulsory school age or, for children born between 1 April and 31 August not beyond the beginning of the final term of the school year for which the offer was made. Deferred entry is arranged with the school direct. Deferred admissions will take place at the start of the January or April term as appropriate. If the child does not start at the agreed date, the place may be revoked and may be reallocated to someone else.



## **Determining offers in response to the common application form for participating schools**

26. All requests for a school place under this scheme will usually be dealt with within 20 school days. In the case of applications for entry to grammar schools, it will be necessary for pupil's ability to be assessed either through examination or report dependant on the age of the candidate. Also, where a request is passed to a Placement Panel for consideration, delays will be incurred due to the timing of panel hearings. It may not therefore be possible to meet the 20 day turnaround in all cases.
27. In all cases, eligibility will be determined in accordance with the published oversubscription criteria, admission arrangements applicable to the year of entry and the number on roll at the requested school and in accordance with the provisions of the School Admissions Code and applicable Regulations.
28. Within 10 school days of receipt of the application:
- a. the City Council will ascertain availability of place(s) at any nominated community or VC school for which it is the admission authority;
  - b. the City Council will notify the admission authority for each academy, foundation, free, studio, trust or VA school or UTC of every nomination that has been made for that school, and if requested, forwarding a report detailing the relevant information contained in the common application form or a copy of the common application form (without the rank order of preference) and any supplementary information received which schools require in order to apply their over-subscription criteria;
  - c. the school that the applicant currently attends will be informed of the request to transfer and will be asked whether there is any information that will help in the consideration of the transfer request. This information will not be shared with an allocated school until the allocation has been made and is intended to identify positively, cases that may fall under the Fair Access Protocol as well as safeguarding issues;
  - d. where a parent/carer has nominated a school outside Plymouth, the City Council shall refer the applicant to the LA in that area for advice on the application process.
29. Within five school days of receipt of the application information from the City Council the relevant admission authority will confirm to the City Council whether a place can be offered to the applicant based solely on NoR or other agreed limit and the oversubscription criteria. The City Council may ask the school to confirm NoR and PAN. If there are more applicants than spaces available, schools who are their own admission authority will have to submit a ranked list of applicants to be considered for admission (unless that function has been delegated to the City Council). The City Council will confirm availability of places in schools in its area to interested parties.
30. Within 20 school days of receipt of the application, the City Council shall match the application to the schools nominated and where the child is:
- eligible for a place at only one of the nominated schools, that school shall be allocated to the child;
  - eligible for a place at two or more of the nominated schools, he or she shall be allocated a place at whichever of these is the highest ranked preference;
  - not eligible for a place at any of the nominated schools and not able to access the current educational provision, he or she shall normally be allocated a place at another school, usually the nearest appropriate school with a vacancy .
31. Within 20 school days of receipt of the application, the City Council shall inform each school of

the pupils to be allocated places at the school.

32. Within 20 school days of receipt of the application, the City Council shall notify all parent/carers by either email or second class post that they are being offered a place at a school. This correspondence will include:
- the name of the school at which a place is offered;
  - the reasons why the child is not being offered a place at each of the other schools nominated on the common application form;
  - information about the statutory right of appeal against the decisions to refuse places at the other nominated schools;
  - information about how to join school waiting lists;
  - via the website, contact details for the school; the City Council; and those nominated academy, foundation, free, trust or VA schools where the child was not offered a place, so that the parent/carer may lodge an appeal against refusal of a place;
  - a requirement to notify the City Council whether the applicant intends to accept or decline the place offered to the child.

In respect of applications handled by the City Council, offer letters for this scheme will be issued by the City Council on behalf of participating schools.

33. Within two school weeks of the date of the offer letter, parent/carers must notify acceptance of a school place. Failure to notify acceptance may result in withdrawal of the place offered. Parent/carers declining the offer of a place should notify the educational arrangements they plan to provide for their child.
34. The school should arrange for the child to be admitted as soon as possible after the allocation has been made, and where there has been a change of address this should be within a maximum of 10 school days from the allocation date. Where there has been no change of address, and distance is not the reason for moving schools, the school may exceptionally, and for operational reasons, delay admission to the beginning of the next school term at the very latest.

### **Fraudulent applications/withdrawal of allocated places**

35. The School Admissions Code allows an offer of a school place to be withdrawn if:
- it has been offered in error or
  - a parent has not responded within a reasonable period of time or
  - it is established that the offer was obtained through a fraudulent or intentionally misleading application. An example of this would be knowingly using an incorrect home address for a child. In these cases the application would be considered using the information that the local authority believes to be correct, for example using the home address where the local authority considers that the child actually lives.

All suspected fraudulent applications will be investigated and if a case is found, it could lead to criminal prosecution.

### **Waiting Lists**

36. Each admission authority shall maintain waiting lists with a view to re-allocation of any places that may become available. Participating own admission authority schools may delegate this task to the LA if they wish. The list will be kept in the order of the oversubscription criteria. Each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority

must not be given to children based on the date their application was received or their name was added to the list. In respect of schools for which the City Council holds a waiting list, a child may be placed on a waiting list to be re-allocated a place if one becomes available after the original allocation, at any school ranked higher on the application form than the school that was offered. By change of preference, a child may join a waiting list for a school not previously requested. In the case of own admission authority schools, parent/carers will need to contact the school direct to discuss the procedure for waiting lists. In the case of Devonport High School for Girls, Plymouth High School for Girls and Devonport High School for Boys, eligibility to join the waiting list is dependent upon score attained in the selection examination.

37. Accordingly, where a child has been allocated a place:

- at the parent/carer's first ranked preference school, he or she will not be considered for re-allocation;
- at the parent/carer's second ranked preference school, he or she may be placed on the waiting list of the first ranked preference school, but not the third;
- at the parent/carer's third ranked preference school, he or she may be placed on the waiting lists of the first and second ranked preference schools;
- at a school that the parent/carer did not nominate on the common application form, he or she may be placed on the waiting lists of any schools that were nominated.

38. If the parent/carer does not wish their child to be on a particular waiting list, this must be confirmed in writing to the City Council. The parent/carer may need to amend the school preference order in such a case. The admission authority may ask parent/carers to renew their intent to remain on the waiting list and may remove a child's name from the list if there is a negative or nil response.

## Appeals

39. Parents/carers are entitled to lodge a statutory appeal for a place at any school for which their application has been refused. However, where the refusal is based on class size limits (the law requires that no Key Stage 1 [infant] class [where the majority of children will have reached the age of 5, 6 or 7 by the end of the academic year] shall be a class of more than 30 pupils for any normal lesson with their teacher), the grounds for appeal are strictly limited to:

- whether the child would have been offered a place if the admission arrangements had been properly implemented; or
- whether the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the School Standards and Framework Act 1998; and/or
- whether the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

40. If a place becomes available before the appeal is heard, the case would be considered alongside others on the waiting list in accordance with the published admission criteria. If the child is allocated to that place, the appeal will be cancelled.

41. A foundation, free, trust or voluntary aided school, studio school, UTC or an academy may have their own appeal arrangements. Further details are available direct from the school.

42. Appeals will be heard within 30 school days of the appeal being lodged.

43. Information about the appeals process will be available from the City Council or the relevant admission authority as appropriate.

## PART II - MANAGING COMPLIANCE WITH THE INFANT CLASS SIZE DUTY

44. Section 1 of the School Standards & Framework Act 1998 (as amended by the Education Act 2002) and The School Admissions (Infant Class Sizes) (England) Regulations 2012 limit the size of an infant class during an ordinary teaching session.
45. Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must 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 an EHCP 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;
  - h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.
46. Schools are required to accurately complete Census returns for submission to the LA. The LA has a duty to check these returns before submitting to the Department for Education.
47. Schools that do not comply with infant class size restrictions will be required to take qualifying measures in order to comply with the class size limit.

**SCHEDULE 2****Timetable for in-year admissions to a participating Plymouth school**

From 1 September 2022	In-year admission scheme commences.
Up to six school weeks before the date a school place is required. Extended to 12 school weeks for the following category of applicant: <ul style="list-style-type: none"> <li>▪ UK service personnel if the application is accompanied by an official government letter which declares a relocation date and a Unit postal address or quartering area address in this area;</li> <li>▪ Children attending a specialist unit at a Plymouth school;</li> <li>▪ A child with an EHCP;</li> <li>▪ A child currently in the care of the local authority.</li> </ul>	Application forms accepted from parent/carers.
Within ten school days of the initial receipt of an application.	<ul style="list-style-type: none"> <li>▪ The City Council ascertains availability of place(s) at nominated schools.</li> </ul> <p>The City Council notifies the admission authority for each academy, foundation, free, studio, trust or VA school or UTC of every nomination that has been made for that school.</p>
Within five school days of receipt of the application information from the City Council.	<ul style="list-style-type: none"> <li>▪ The relevant admission authority will confirm to the City Council whether a place can be offered to the applicant based solely on NoR or other agreed limit and the oversubscription criteria.</li> </ul> <p>The City Council may ask the school to confirm NoR and PAN.</p>
Within 20 school days of receipt of the application.	<ul style="list-style-type: none"> <li>▪ The City Council shall inform each school of the pupils to be allocated places at the school.</li> </ul> <p>The City Council shall notify all parent/carers by second class post/email that they are being offered a place at a school.</p>
Within two weeks of the date of the application response letter.	<b>Parent/carers to respond to application response letters direct to the City Council.</b>
Within two school weeks of the date of allocation or six school weeks of the application for a school place whichever is the later.	The child should start at the allocated school or, in the case of child entering the Reception/Foundation year who is below compulsory school age and whose parent/carer wishes to defer entry, deferred arrangements must be agreed with the school.

# IN-YEAR ADMISSIONS

## Escalation process

### BACKGROUND

Plymouth City Council (the local authority or LA) operates a local in-year coordinated admission scheme which is available to own admission authority schools. It is taken that all academies who purchase the school admissions package are part of the scheme and that all other own admission authority schools are part of the scheme unless they opt out by administering admissions directly.

Included in the local scheme is a timetable for admissions which allows schools five school days from the date of receipt of the application to make a response to the LA to either accept or reject the request for admission. Reasons given for rejection must be compliant with the School Admissions Code. On rejection, an applicant will be formally refused a place at the requested school and offered the right of appeal to an independent panel.

Where a school is not included in the local coordinated admissions scheme, the LA still has a role to play in the fair allocation of places and must champion the parent should a parent have been unfairly denied a school place.

### PROVISION OF INFORMATION

All schools are required to provide the LA with information relating to school admissions and school place availability.

Paragraph 2.22 of the School Admissions Code 2014 places a duty on the own admission authority schools to notify the LA of an application for a school place and its outcome in order that the LA can maintain data on place availability.

The Children Missing Education statutory guidance dated September 2016 requires that all schools (including academies and independent schools) notify the LA when removing a child from a school register other than at normal transition point. Schools must also notify the addition of a pupil within 5 days.

### REFUSAL OF A SCHOOL PLACE

The School Admissions Code 2014 is very clear on the grounds for refusing admission to an applicant.

Paragraph 2.8 specifies that with the exception of designated grammar schools, all maintained schools, including schools designated with a religious character, that have enough places available must offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria.

Paragraph 2.9 confirms that admission authorities must not refuse to admit a child solely because:

- a) they have applied later than other applicants;
- b) they are not of the faith of the school in the case of a school designated with a religious character;
- c) they followed a different curriculum at their previous school;
- d) information has not been received from their previous school; or e) they have missed entrance tests for selective places.

Section 86 of the School Standards and Framework Act requires that an admission authority comply with a parent's stated preference school unless compliance with the preference would prejudice the provision of efficient education or the efficient use of resources. It would be difficult to argue

prejudice where the number of pupils in a relevant age group does not exceed the number determined for that age group. Where selection is wholly based on selection or aptitude, with a view to admitting only pupils with high ability or aptitude, refusal of admission is allowed where the application is incompatible with the arrangements for selection or aptitude (even if there are places available).

Where an applicant has determined challenging behaviour as defined in the Fair Access Protocol, the application for admission should be considered in accordance with the LA Fair Access Protocol.

## **ALLOCATION OF PLACES**

The local coordinated scheme clearly lays sets out the timetable for handling in-year admission requests.

As all schools have a legal obligation to comply with the provisions of the School Admissions Code and the School Appeals Code, it is reasonable to take it that all schools keep the LA up to date regarding pupil mobility in order that the LA can fulfil its statutory duty to monitor and inform place availability. Coupled with the limited reasons for refusal of a school place, it is reasonable for the LA to make a provisional allocation of a school place in every case where it is known that the requested school has a vacancy in the year group and for the LA to confirm that allocation if there is no negative response from the school within five school days of notice of allocation.

## **ESCALATION**

Where possible, escalation to an outside agency should be avoided and every attempt should be made to resolve any issues via local negotiation. In every case of refusal of a school place, the parent (and the student in the case of post 16 studies), has the right of appeal to an independent appeal panel. In this case, paragraph 3.5 of the Appeals Code requires that if a school has incorrectly/unlawfully applied its admission arrangements the panel must uphold the appeal – i.e.

‘...where it finds that the admission arrangements did not comply with admissions law or had not been correctly and impartially applied, and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied’

A school not complying with the School Admissions Code or the School Appeals Code would be unwise to take the case to an independent appeal panel as the panel would find in favour of the applicant, the school could lose credibility and the school would incur costs.

A LA has the power to direct the governing body of a maintained school for which they are not the admission authority to admit a child in their area even when the school is full. The LA can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance.

A LA also has the power to direct the admission authority for any maintained school in England (other than a school for which they are the admission authority) to admit a child who is looked after by the local authority, even when the school is full. The LA must not choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size.

- In the case of schools for which Plymouth City Council is the admission authority (community and voluntary controlled schools), the LA has the right to instruct the school to admit a child;
- In the case of an academy school, the LA can request that the Secretary of State 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. Escalation is by use of an online form available at

<https://www.gov.uk/government/publications/academy-admission-request-form/academy-admission-direction-request-form>.

- In the case of all schools, the Secretary of State also has powers to direct maintained schools and LAs under section 496 and 497 of the Education Act 1996 when they have breached education law or acted unreasonably in applying it.

Once a provisional allocation has been made to a school, the school has five school days to raise objection.

- In the absence of an objection within this time period, the allocation will be confirmed to the parent.
- On receipt of a negative response within the five school day time period, the LA will open negotiation via telephone calls and also by email for a further five school days. If after this point in time, agreement for admission has not been reached, the application will be refused with the right of appeal to an independent appeal panel confirming the reasons for refusal as defined by the school. If the LA believes that the reason for refusal of the admission request is not compliant with the Code, the case will be escalated as appropriate. This may necessitate a direction to admit the child or a referral to the Secretary of State and/or the diocese in the case of a religious school.

### Escalation procedure

See chart below.

### GLOSSARY

Term	Explanation
LA	Local authority.
School day	Schools days are defined within term dates and exclude school holidays, public holidays and weekends.



