

## School Admissions Explanatory Booklet

September 2021

### Consultation / Determination / Faith Criteria / Objections / Appeals

The law relating to School Admissions is laid down in the School Standards & Framework Act 1998. There is also statutory guidance (the School Admissions Code) which is designed to assist schools in drafting their admission arrangements and which imposes mandatory obligations on schools. The School Admission Code applies to admissions to all maintained schools and academies in England

This booklet endeavours to provide a concise point of reference for Governors for key aspects of the School Admissions Code.

NB : Governors should familiarise themselves with the School Admissions Code and the School Admission Appeals Code.

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## **Preamble**

This document refers to 'admission authority' which is the relevant body with the legal responsibility for setting the admission arrangements of a school. Who is the admission authority will depend on the type of school. This table explains who the admission authority is:

Type of School	Admission Authority	Notes
Academy	The Academy Trust	For academies within a multi academy trust you will need to check with the MAT whether the authority to determine admission arrangements sits with the MAT or whether delegated to the individual school
Foundation	The Governing Body	
Voluntary Aided	The Governing Body	
Voluntary Controlled	The Local Authority	The Local Authority will determine the admission arrangements. You will need to liaise with the Local Authority if you wish to amend any part of your admission arrangements.
Community	The Local Authority	

### **A. Consultation on Admission Arrangements**

#### **1.1 When Is Consultation Required?**

- (i) Where changes are proposed to admission arrangements, the admission authority must consult on those arrangements (including any supplementary information form) that will apply for the following school year.
- (ii) Where there are no changes proposed then there is no requirement to consult, save that consultation must, in any event, take place at least once every seven years.
- (iii) Consultation is not required where the changes are nominal (for example updating the year) and neither is it required if the only change is to increase the published admission number (PAN).
- (iv) Note that where changes are contemplated to the admission arrangements that affect the way in which membership of the faith or practice of the faith is to be demonstrated the admission authority must send a draft to the Diocese for its observations before any public consultation.

## 1.2 Who should be consulted?

Note - It is a wide ranging obligation

- (i) Parents of children between the ages of 2 and 18 resident in the relevant area;
- (ii) Other persons in the relevant area who in the opinion of the School have an interest in the proposed admission arrangements;
- (iii) All other admission authorities within the relevant area [nb primary schools do not need to consult secondary schools];
- (iv) The Local Authority;
- (v) The religious authority (i.e. Salisbury Diocese).

You must send upon request a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment.

## 1.3 How should consultation be effected?

- (i) There is no detail on consultation set down in the School Admissions Code.
- (ii) There is an express obligation to publish the draft arrangements on the school website for the duration of the consultation period. However, the Office of the Schools Adjudicator is increasingly critical of schools that seek to rely on that method alone.
- (iii) You cannot be criticised for advertising the consultation too widely, so for example placing an advert in the local press; placing a copy of the draft arrangements (or information about them and how to access them) in local community centres, doctors' waiting rooms, local shops/post office or libraries etc.
- (iv) You should also bring attention to the changes that you are making that necessitate consultation. If you are consulting due to not having done so for the previous 7 years then, if you are not making any other amendments, you simply need to draw attention to that fact.
- (v) You must provide a named contact and contact details to whom comments on the consultation may be sent.

## 1.4 When should consultation be effected and what is the subsequent timetable?

- (i) Consultation must last for a minimum six weeks.
- (ii) Consultation must take place within the four month period of 1<sup>st</sup> October to 31<sup>st</sup> January.
- (iii) The governors must meet to consider the consultation responses and formally determine the revised admission arrangements by 28<sup>th</sup> February – **Note also that the governors must formally determine the admission arrangements of the school by the 28<sup>th</sup> February even if no changes are made year on year (i.e. no consultation may have been required due to no changes having been considered, but the governors must still meet to formally determine the admission arrangements).**
- (iv) Determination is by way of appropriate minuting of the decision to approve the admission arrangements.
- (v) The governors must send a copy of the determined admission arrangements to the Local Authority by 15<sup>th</sup> March at the latest.
- (vi) The governors also must notify the following entities of the determined admission arrangements:

- all other admission authorities within the relevant area;
  - the religious authority;
  - all governing bodies for community and voluntary controlled schools in the relevant area.
- (vii) The governors must publish a copy of the determined admission arrangements on the school website for the entire offer year.

## **B. Challenge to Determined Admission Arrangements**

### **Can they be challenged?**

- (i) Yes. Any person may lodge an objection to the Office of the Schools Adjudicator (OSA). The objector may ask the OSA to keep his/her details anonymous.
- (ii) The deadline for lodging objections is 15<sup>th</sup> May (i.e. two and a half months from the deadline for determination) but the OSA has the discretion to accept late objections.
- (iii) The OSA generally tries to determine an objection within 6 weeks – but do not be surprised if it takes longer than this - and may seek a meeting with the School.
- (iv) It is important to engage with the OSA and to respond to correspondence, even where strict response deadlines are set out. If you need additional time, request it but do so quickly.

## **C. Oversubscription Criteria in the Model Admission Policy documents**

- (i) Please note that these are not exhaustive criteria. Please refer to the School Admissions Code for other examples.
- (ii) We have inserted reference feeder schools this year. This option is only available to junior, middle and secondary schools where those schools have infant, first or primary schools that feed into them. Independent schools may not be named as feeder schools.
- (iii) The School Admissions Code appears to limit feeder schools to secondary schools or colleges (the latter in a three tier education system) however in a 2019 adjudication, the Schools Adjudicator was required to consider an objection to the admission arrangements of a middle school, which included feeder (first) schools and found that the arrangements were lawful<sup>1</sup>. Whilst adjudications are not binding on subsequent objections, it is reasonable to assume that this wider interpretation of the School Admissions Code would stand up to further scrutiny.
- (iv) For completeness, the School Admissions Code states “*Admission authorities may wish to name a primary or middle school as feeder school. The selection of a feeder school or schools as an oversubscription criterion must be transparent and made on reasonable grounds.*”
- (v) Whilst not mandatory necessarily, it would be prudent to put the brief reasons why a school is a named feeder school.
- (vi) Where choosing a feeder school (or feeder schools) as a criterion the admission authority must still ensure that the arrangements are fair clear and objective.

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<sup>1</sup> [ADA 3608](#) Gosford Middle School

## D. Faith in the Oversubscription Criteria

### Regular Practising Christian

- (i) This is an oversubscription criterion that is periodically subject to national debate with some arguing that it is correct to be included in church school admission policies while others say that it should not be there at all as, it is claimed, it can be subject to abuse.
- (ii) The model policy definition is based on the *'2011 National Society Advice to Diocesan Boards of Education'*. This refers to previous national guidance to governors to *'take membership of Churches Together in England or the Evangelical Alliance as a ...useful marker of mainstream churches with a national infrastructure'*. The 2011 Advice goes on to explain that since that earlier national guidance was issued the position has developed and there *'are a number of agreements between the Church of England and other churches that ought to be reflected in admission arrangements'*. One of these agreements is *'that the Fellowship of Independent Evangelical Churches and Affinity should be treated on the same basis as Churches Together in England [since expanded in the model policy by Churches Together in Britain and Ireland as this is a broader grouping] and the Evangelical Alliance'*.
- (iii) **By way of** further explanation as to what constitutes a member of 'Churches together in Britain and Ireland, these are churches in the form of denominations, not individual congregations. *'Churches together in Britain and Ireland' is an umbrella group and it includes the national ecumenical bodies (very basically defined as bodies which aim at achieving universal Christian unity and church union through international interdenominational organisations.) for England, Scotland, Wales and Ireland. In the case of England this is 'Churches together in England'. Again member churches are denominations in England at a national level, not individual local churches. However often the national offices of the church denomination will have lists of the local churches that are part of their denomination.*
- (iv) The Model Policy does not have a faith criterion for children living inside the school's catchment but it does have one for children living outside the school's catchment. This is the Salisbury Diocesan Board of Education's preferred position. However if governors wish they can include faith criteria for children living in the catchment. Governors can also, if they wish, decide to have no faith criteria at all whether the child lives in or outside the school catchment.
- (v) When governors decide to include a faith criterion they must decide on the frequency of church attendance and the period of time this frequency of attendance must have lasted. This is intended to show commitment and is often monthly for a period of time. Children applying for a place in Reception may, at the time of application, be only just 4 years old and regular attendance for 6 months is often considered appropriate. The position with secondary school applications is quite different and here the usual requirement is attendance for at least 12 months. Attendance must be by the child.
- (vi) The concept of attendance at Messy Church or Breakfast at Nine services has been raised as to whether this should count towards attendance at a Recognised Church. The diocesan view is that it should count and indeed the model policy is not restrictive

in that regard. However if a school considers that these services should not count then this will need to be made expressly clear in the admission arrangements. As these services are, usually, on a once a month basis, the alternative is to raise the minimum attendance at church requirement to more than once a month over the relevant period. If a change is to be made to your existing arrangements then this will trigger a formal consultation.

## **E. Local Authority Role**

### **The role in the admissions process**

- (i) The local authority is the admissions authority for community and voluntary controlled schools.
- (ii) The local authority also has a wide ranging role in school admissions for all maintained and academy schools in its area. For example it is the responsibility of the local authority to collate and publish in a single prospectus all the admission arrangements of schools in the area.
- (iii) In the normal admissions round (i.e. the round of admissions where schools normally admit new pupils) the local authority co-ordinates all applications. Parents apply to their own local authority for a place for their child at their preferred school/s irrespective of whether the preferred school is in their own or a different local authority area.
- (v) The local authority liaises with the schools and co-ordinates the offer of a place. It is the local authority who sends out offer notifications on national offer day (1<sup>st</sup> March for secondary; 16 April for primary).
- (vi) As the local authority co-ordinates the admissions process in the normal admissions round there is a national timeframe that is binding on all.
- (vii) In year admissions can be dealt with by schools which are their own admission authority, provided the school notifies the local authority of the application and the outcome.

## **F. Withdrawal of an Offer of a Place**

### **Can a place be withdrawn?**

- (i) An admission authority may only withdraw the offer of a place if:
  - it is discovered it has been offered in error;
  - a parent has not responded within a reasonable period of time;
  - it has been established that the offer was made on the basis of a fraudulent or misleading application.
- (ii) Where the parent has not responded within a reasonable time, the admission authority must give the parent a further opportunity to respond to the offer and explain that the offer may be withdrawn if there is no response.
- (iii) What constitutes a 'reasonable time' is not defined, but if the parents were given 2 weeks to accept initially, and then a further two weeks in the follow up letter that is more than reasonable.
- (iv) Where the offer is withdrawn on the basis of misleading information, the application must be considered afresh, and a right of appeal arises if no offer is subsequently made.

## G. Admission Appeals

### What Information is needed?

- (i) The governors must publish the timetable for all admission appeals (including in year appeals) on the school website by 28th February of each year.
- (ii) The Admission Appeals Code sets out the timescales by which an appeal must be heard at paragraphs 2.1 and 2.3. and what needs to be included in the timetable but in essence:
  - i. Appellants must have a deadline of at least 20 school days from the date of notification that their application was unsuccessful to lodge an appeal **but late appeals must be heard**;
  - ii. Appeals must be heard within 40 school days (in normal admission round) and within 30 school days for in year appeals. For late appeals these must be heard within 40 school days of the deadline where possible or within 30 school days of the appeal being lodged;
  - iii. For sixth form appeals, where conditional on exam results the appeal must be heard within 30 school days of the results being published. Where not conditional within 40 school days of the deadline for lodging an appeal;
  - iv. Appellants must have at least 10 school days' notice of the date of their appeal although the appellant may waive their right to the full 10 days;
  - v. Clear deadlines must be set for the submission of evidence;
  - vi. Decision letters must be sent within 5 school days of the hearing where possible.

Detail about the admission appeal process is outside the scope of this note.

## H. Timetable for School Admissions

October 1 <sup>st</sup> to January 31 <sup>st</sup>	Consultation of 6 weeks to take place in this period
February 28 <sup>th</sup>	Date by which governors must determine admission arrangements <b>every year</b>
February 28 <sup>th</sup> onwards	The governors must publish the determined admission arrangements on the school website and keep it on the website until the end of the Offer Year.
February 28 <sup>th</sup>	Date by which Admission Appeal timetable is published
March 15 <sup>th</sup>	Date by which determined arrangements are sent to the Local Authority
May 15 <sup>th</sup>	Deadline for lodging objection to OSA
August 8 <sup>th</sup>	Deadline for governing bodies to provide admission arrangements information to the local authority to allow them to compile composite prospectus.
October 31 <sup>st</sup>	National closing date for secondary school applications
January 15 <sup>th</sup>	National closing date for primary school applications
March 1 <sup>st</sup>	National offer day for secondary schools
April 16 <sup>th</sup>	National offer day for primary schools



## I. In Year Admissions

- (i) Parents may apply for a place for their child at any school, at any time.
- (ii) In-year applications may be co-ordinated by the local authority or the admission authority. Whilst this has always been the case there is now the requirement for the admission authority to do the following :

### For 2021 /2022 Academic Year

- (a) Inform the local authority by **1 October 2021** whether it intends the school to be part of the local authority's in-year co-ordination scheme for the period to 31 August 2022.
- (b) Set out on the school website by **31 October 2021** how in-year applications will be dealt with from 1 November 2021 to 31 August 2022.

### For 2022/2023 Academic Year and beyond

- (c) Inform the local authority by **1 August** whether it intends the school to be part of the local authority's in-year co-ordination scheme for the following academic year to 31 August.
  - (d) Set out on the school website by **31 August** how in-year applications will be dealt with from 1 September to the following 31 August.
- (iii) In setting out how in-year applications will be dealt with, the admission authority must:
    - (a) Advise how a parent can apply for a school place;
    - (b) Where it is part of the local authority's in-year co-ordination scheme provide information on where the parent can find details of that scheme.
    - (c) Where handling its own in-year admissions, provide a suitable application form to complete (and supplementary form if necessary and relevant);
    - (d) Advise when parents will be notified of the outcome of the application and right of appeal.

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