



Orchard Meadow Primary School

Admissions Policy 2021-24

Introduction:

Orchard Meadow Primary School is an Academy with the Multi-Academy Trust – United Learning. We adopt their [admission guidance and policy](#).

Supporting this guidance and policy is the arrangements for 2023_24, detailed below.

Admission Numbers: PAN is 60

Admission Criteria:

The proposed admission rules for Orchard Meadow Primary are shown below in descending order of priority:

- The highest priority **must** be given to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). This includes children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society. (Paragraph 1.7 of the Code).
- In accordance with legal requirements, children who have an Educational Health Care Plan (Statement of Educational Needs) naming a particular school in Part 4 of the documentation will be admitted to that school.
- **Distance from the School** (Paragraph 1.13 of the Code)
Children that live in the designated area of Orchard Meadow Primary. If there are more applications than places then the following criteria will be used:
Those that have a brother or sister on role at the time of application.
Those that live closest to the school, as defined by Oxfordshire County Council Education and Families Geographic Information System.
- Children that live outside the catchment but have sibling at the school at time of entry.

Time of entry – This means the normal admission rounds. There will be no sibling connection at the below times: Reception entry for sibling leaving year 6.

Home address

The address on the application should be the child's address at the time of application. This is the address at which the child spends most term time school nights. (Sunday night to Thursday night).

Changes of Address

Changes of address which occur after closing date may be taken into account if proof of this change is provided by the date published in the LEA admission rules. To confirm your new address, we need one of the following:

- a solicitor's letter advising contracts have been exchanged
- a copy of tenancy agreement
- a copy of council tax bills showing the same name as in Section 5 of the CAF parents may also be asked to provide proof of address from correspondence they have received from HM Revenue and customs child benefit division or tax credits division

Such correspondence must be pre-date the application you have made. The Local Authority will act as Orchard Meadow Primary School's agent in establishing a child's address

Waiting Lists (Normal Admission Round)

If in any year the academy receives more applications for places than there are places available, the academy **must** operate a clear, fair and objective waiting list until at least the 31 December of the admission year (but can be longer) unless different arrangements apply locally whereby the local authority coordinates the waiting list for all schools up to 31 December. Details about the waiting list **must** set out that each added child will require the list to be ranked again in line with the published oversubscription criteria (paragraph 2.15 of the Code). Priority **must not** be given based on the date of the application. Looked after children, previously looked after children, and those allocated a place in accordance with a Fair Access Protocol **must** take precedence over those on a waiting list.

In-Year Admissions

At Orchard Meadow Primary we have commissioned admission to the Local Authority: *Oxfordshire County Council. Please contact the school for further advice and support for application.

We can support and ensure hard copies of the information about in-year applications are provided on request for those who do not have access to the internet.

Reasons for refusal of an in-year admission

United Learning schools fully recognise the need to meet parental preference where possible, and in-year admissions will be accepted wherever possible. However, where the relevant year group within the school is full, there are 2 clear reasons why an in-year admission would need to be refused:

1. **Infant Group Sizes:** the law states that children in infant classes (Reception, Year 1 and Year 2) cannot be taught in classes of more than 30 pupils to one fully qualified teacher (see below). For this reason, a place in-year cannot be offered if doing so would breach the duty to comply with the infant class size limit, unless one of the legally permitted exceptions applies.
2. **Ordinary prejudice grounds:** if the relevant year group within the school is currently full and the point has been reached where considerations of parental preference have become outweighed by the adverse financial and accommodation consequences of admitting further pupils, then an in-year admission can be refused. This would be on the basis that it would place pressure on staff and existing pupils and have an impact on successful teaching and learning and risks prejudicing the provision of efficient education and the efficient use of resources in terms of Section 86(3) of the School Standards & Framework Act 1998. In years of entry (e.g., Year R or 7) the school must admit up to its Published Admission Number (PAN) throughout that year and can only refuse on prejudice grounds once that number has been reached. The PAN does not apply in other year groups although it is often used as an indicator of the year group's capacity.

NB: Independent Appeal Panel: However, that parents can appeal, and will be told how to appeal, when their request has been refused, this is through the LEA. Decisions of the independent appeal panel are binding on Admission Authorities. Therefore, any successful appellants must be admitted to the School.

Fair Access Protocol: It is also possible that a place may be allocated under Fair Access Protocols in due course.

Direction: Under an Academy's funding agreement the Secretary of State can direct an Academy to admit any child. The Local Authority can only ask an Academy to admit a pupil but has no power to direct it to do so. However, where an agreement cannot be reached, the Local Authority can ask the Secretary of State to intervene.

Children of UK service personnel (UK Armed Forces) and crown servants.

For families of service personnel with a confirmed posting, or crown servants returning from overseas, admission authorities **must**:

- a) allocate a place in advance of the family arriving in the area (as long as one is available), provided the application is accompanied by an official letter that declares a relocation date. Admission authorities must not refuse to process an application and must not refuse a place solely because the family do not yet have an intended address, or do not yet live in the area.
- b) use the address at which the child will live when applying their oversubscription criteria, as long as the parents provide some evidence of their intended address. Admission authorities must use a Unit or quartering address as the child's home address when considering the application against their oversubscription criteria, where a parent requests this.
- c) not reserve blocks of places for these children.

d) ensure that arrangements in their area support the Government's commitment to removing disadvantage for service children. Arrangements must be appropriate for the area and be described in the local authority's composite prospectus.

(Paragraph 2.21 of the Code).

Ensuring Fairness

Children with challenging behaviour and those who have been excluded twice

Orchard Meadow Primary will not refuse to admit children in the normal admissions round on the basis of poor behaviour elsewhere. However, where a child has been permanently excluded from two or more schools there is no need to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion, and children with special educational needs statements or an EHCP.

Fair Access Protocols

Each local authority will have a Fair Access Protocol ("FAP") to ensure that outside of the normal admission round unplaced children are offered a place at a suitable school as quickly as possible. Local authorities must ensure that no school is asked to take a disproportionate number of children who have been excluded from other schools or who have challenging behaviour. Orchard Meadow Primary will comply with local Fair Access Protocol arrangements.

Places offered by way of the FAP are outside of the normal co-ordinated admissions round. It is triggered when a parent of an eligible child has not secured a place under in-year admission procedures. Therefore, there is a 2-part test to whether a pupil can be allocated a place under a FAP. Firstly, a pupil must be "eligible". Only the following groups will be considered under the FAP (paragraph 3.17).

- a) children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
- b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
- c) children from the criminal justice system;
- d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;
- e) children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;
- f) children who are carers;
- g) children who are homeless;
- h) children in formal kinship care arrangements;
- i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
- j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of this Code;
- k) children for whom a place has not been sought due to exceptional circumstances⁸³;

l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and

m) previously looked after children for whom the local authority has been unable to promptly secure a school place

Secondly, they must be having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures. *For example, where an application has been made to at least one school and this has been refused, or the local authority has confirmed that there are no places available at any school within a reasonable distance. Thus, starting or completing the appeals process is not a pre-requisite to demonstrate the above "difficulty".*

However, where the parent's application is refused on the grounds that an admission would prejudice the efficient use of resources or the efficient education of others at the school they have a right to appeal that decision. Therefore, it is possible that the FAP process will be parallel to an admission appeal process if that route is also pursued by the parent. This could result in, for example, a place being made available via the FAP whilst the outcome of the appeal process is still pending.

There is no requirement to meet parental preference when allocated a place under a FAP.

Admission authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs. A Fair Access Protocol must not require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

Secretary of State's power of direction

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. Whilst an agreement can usually be reached, 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.

Appeals and Objections

Objections

Objections to the admission arrangements of academies can be made to the [Schools Adjudicator](#) whose decisions are binding and enforceable. Any person or body who considers that an academy's admission arrangements are unlawful or not in compliance with the Code can make an objection to the Schools Adjudicator. Objections **must** be referred by 15 May in the determination year (the year before actual admission).

The role of the Schools Adjudicator is to consider whether admission arrangements comply with the law and the Code relating to admissions. The admission authority must, where necessary, revise their admission arrangements to give effect to the Adjudicator's decision with two months of the decision (or by 28 February following the decision, whichever is sooner), unless an alternative timescale is specified by the Adjudicator.

Right to Appeal

When an academy informs a parent of a decision to refuse their child a place, it **must** also set out the reason why admission was refused, provide information about the right to appeal and the deadlines for this, and the contact details for making an appeal. Parents must also be informed that if they wish to appeal, they must set out their case in writing.

The [Schools Admission Appeals Code \(Feb 2012\)](#) (“the Appeals Code”) sets out information regarding admission appeal panels and is designed to ensure all admission appeals are conducted in a fair and transparent way. Responsibility for making arrangements for appeals against the refusal of a school place rests with United Learning as the academy trust, who in turn delegate this responsibility to each academy’s LGB.

Parent(s) (or children in relation to sixth form or once they have ceased to be of statutory school age) have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision. Each school’s admissions policy must set out how parents can do this, either through contacting the local authority-arranged panel or through their own arrangements.

Arranging Appeal Panels

Orchard Meadow Primary buys into the local authority run arrangements for Independent Appeal Panels or commission support from another specialist provider. The Appeals Code sets out extensive membership and training requirement which would make it very difficult for a single school, or even a cluster, to meet the stringent expectations in this regard. It remains the responsibility of the LGB to ensure whatever route is used complies with the Appeals Code.

Appeal Hearings

The timetable must include a deadline for lodging appeals which **must** be at least 20 school days from the date of notification that their application was unsuccessful. At least 10 school days’ notice should be given of the date of the hearing, and decision letters should be sent within 5 school days of the hearing, wherever possible.

The Appeal Code sets out further specific requirements on when appeals must be heard, which in the main are either 40 school days from the deadline for lodging appeals, or within 30 school days for in-year admission appeals, late applications or sixth forms when the offer would have been conditional upon exam results (paragraph 2.3 of the Appeal Code).

The Code includes considerable detail about how hearings should be run (paragraphs 2.5 to 2.27) and the decision-making process (paragraphs 3.1 to 5.6). Whilst the clerk of the panel should be well versed in this detail, all academies should ensure they are familiar with the requirements when preparing their admission and independent panel arrangements.

Appeal panels **must** either uphold or dismiss an appeal and **must not** uphold an appeal subject to any specific conditions. A panel’s decision that a child shall be admitted to a school is binding.

All notes and records of proceedings must be held by the school for a minimum of 2 years. Complaints about maladministration on the part of an appeal panel can be made to the

Secretary of State, and appellants **must** be informed about the arrangements for making a complaint.

Appeals by the parent or child with a statement of Special Educational Needs or an EHCP are considered by the First-tier Tribunal, not a school admission appeal panel.

Orchard Meadow Primary School is committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the United Learning Equal Opportunities policy. This policy is applicable to all members of the United Learning community and is available to all interested parties on the Hub. This document is reviewed annually or as events or legislation requires.