



**ADMISSION AND APPEALS IN  
CHURCH OF ENGLAND SCHOOLS**

**Guidelines for Governors**

**December 2014**

## **PREFACE**

Governors of Church of England voluntary aided and academies are responsible for the formulation, publication and implementation of the school's admission arrangements. Each school should approach this task to meet the needs of the school, its local circumstances and the needs of the community, while bearing in mind its role within the context of the wider church. Governors should not seek to change Christian principles, but look for the most appropriate way to realise these principles within the social context in which schools operate.

This latest edition of the LDBS's guidelines on admission and appeals has been fully revised to take account of the DFE Codes on admission and appeals published in February 2012. Governors of Church of England schools in the Diocese are required to have regard to these guidelines when considering their admission arrangements. These guidelines should be read in conjunction with these statutory Codes and with the scheme of co-ordinated admission arrangements for their local authority. No attempt has been made to summarise all the provisions of the Codes, but reference is made to the Codes where relevant. It is hoped that this guidance will be a practical aid to governors and headteachers as they carry out their responsibilities for admissions and appeals in Church of England schools and academies in the Diocese.

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## EXECUTIVE SUMMARY & KEY POINTS

### General

1. This guidance applies to Church of England Schools within the Diocese of London which are their own admission authorities. It is therefore relevant for voluntary aided schools and academies but not voluntary controlled schools.
2. Governing bodies have a statutory duty to consult the LDBS before consulting more widely on their admission arrangements. The School Admissions Code published by the Department for Education (DFE) requires church schools to have regard to the Diocesan Board's guidance when formulating their admission criteria in relation to church commitment. This guidance is intended to assist governors specifically on Church-related aspects of admission and more generally on admissions and appeals.
3. Regulations give Diocesan Boards power to refer an objection to the Adjudicator where a school's admission arrangements do not comply with the Code. The Board would normally only use this power as a last resort where a school had refused to change its policy to comply with the Code.
4. Governing bodies of voluntary aided, foundation schools and Academies are responsible for publishing the arrangements for the admission of pupils and for enabling parents to appeal where a child is not admitted. The admission arrangements must be fair and objective, clearly written and unambiguous, since the purpose of an admission policy is to enable parents to easily understand how places for the school will be allocated.

### Specifically Religious Elements of the Admissions Policy

- 5 The LDBS guidance to schools is that they should seek to be a distinctive and inclusive Christian community and that this principle should be reflected in their Admissions policies. This means that, even when a school is heavily oversubscribed, schools should not exclusively offer places to children from practising Christian families.
- 6 The LDBS is committed to ensuring that its schools have an inclusive intake. In the case of heavily oversubscribed schools, the LDBS recommendation is that a proportion of places should be designated as foundation places and a proportion as open places. The proportions will depend on the size of the school and local circumstances, including the availability of other Church of England schools in the community.
- 7 It is entirely legitimate for schools to give priority to children from practising Christian families, and/or to allocate a proportion of places to such children. However care must be taken to be precise as to the school's definition of practising Christian and which Christian denominations are included.
- 8 Care must be taken when seeking additional information from parents and clergy by way of a Supplementary Information Form. Only information which is directly relevant to the oversubscription criteria e.g. church attendance, may be sought. This must not include information on the Common Application Form.
- 9 Where regular church attendance is used as the criterion for assessing religious affiliation, the LDBS guidance is that attendance once or twice a month for two years is an appropriate threshold. The LDBS does not believe that additional factors such as 'active involvement with the church' should be used. However, there can be particular circumstances where a school is exceptionally oversubscribed where additional factors may need to be considered – see 2.2.8

## **Other Important Points**

- 10 There is a clear timetable and statutory protocol for consultation on school admissions policies and this must be adhered to. Schools must finalise or determine their Admission policies by the middle of April for the following year of entry ie admission policies relating to the September 2016 intake must be finalised by 15<sup>th</sup> April 2015.
- 11 Unless there are more applications than there are places available, children must automatically be admitted to school irrespective of any over-subscription criteria. There is a variety of over-subscription criteria which are allowable and a number which are not legally permitted. These are outlined in the document.
- 12 Where schools have an attached nursery or similar, particular care must be taken over the wording of the arrangements for admission into the reception class(es). There is no automatic entry into reception from nursery.
- 13 Secondary schools with sixth forms are required to have admission policies relating to the admission of pupils from other schools who wish to transfer into Year 12.
- 14 The application of the admissions policy is a responsibility of the whole governing body, this may be delegated to a committee but not an individual.
- 15 Schools which are their own admission authorities must establish an Independent Appeals Committee to hear Appeals. Such panels need to be properly trained and advised.
- 16 The administration of the Admissions process and of any Appeal Panels must comply with the Codes of Practice. Failure to do so may result in further appeals to the Ombudsman. The role of Clerk to the Appeal Panel is especially crucial.

Examples of model policies, letters, proformas for parents and clergy, terms of reference etc for committees and panel are given as annexes to this booklet.

# CHAPTER 1 – INTRODUCTION

## 1.1 Dual Purpose

In a multi-cultural and largely secular society, the Church of England school of today has a dual purpose. Firstly, it offers a Christian education to the children of Christian parents, and secondly it continues to fulfil its important historic mission (frequently expressed in the school's trust deed) of offering a Christian education to all children, irrespective of faith, in its local community. The admissions policy is an important feature of how the school sees itself maintaining and developing that tradition within its local and contemporary setting.

## 1.2 Distinctively Christian

The Church of England school should be a distinctively Christian community where the education and ethos of the school are clearly rooted in, and nourished by, Christian belief and values. Unless Church schools are distinctively Christian, they cease to be Church schools and are denying the purposes for which they were founded. However, as with the Church of England and the Christian Church generally, that distinctiveness can take different forms. The history of the school, of the churches associated with that school, and of the surrounding community will shape the particular character and ethos of the school.

## 1.3 Inclusive

The Church of England school should be an inclusive community, reflective of the important truth that Christ and the Gospel are inclusive. As far as admissions are concerned, inclusiveness can be expressed in a number of ways: for example, the religious background and affiliation of the pupils and their parents; socio-economic background, ethnicity, gender, pupils at risk, pupils with special needs and disabilities. If the governing body accepts the concept of the dual role of the church school outlined above, it will agree that there should not be exclusive priority for the children of Christian parents.

The London Diocesan Board for Schools (LDBS) recognises that many Church of England schools in the Diocese, are heavily oversubscribed and could easily be filled with the children of committed Christian parents. Although the LDBS has been successful in establishing a number of new Academies and Free schools, the Diocese is continuing to argue the case with local and central government that there is still a large unmet need for additional Church of England places. Nevertheless, the LDBS believes that all governing bodies should aim to ensure that children of other backgrounds and/or the local community whose parents, even if they are not practising Christians, have other valid reasons for choosing the school, should have some access to school places, even in those schools that are significantly over-subscribed. In any new Church of England school, the aim over time should be to achieve an appropriate balance of 'foundation' and 'open places' sufficient to ensure that the school is a distinctively Christian institution, whilst also serving the wider community in which it is located.

## CHAPTER 2 – ADMISSION POLICIES

### 2.1 Reviewing and considering what criteria can be used in an admission policy

2.1.1 As a general rule, all schools are required to comply with a parental preference for a school if there is a vacant place in that school. This is regardless of any over-subscription criteria used by the school. Admissions criteria only come into play when a school is oversubscribed. In such cases, the over-subscription criteria, and how they are applied, should be 'objective, fair, and compatible with admissions and equal opportunities legislation'. The criteria also have to have been decided with regard to any relevant advice from the London Diocesan Board for Schools (for C of E schools), and the School Admissions Code, and been subject to the consultation procedures as set out in 2.4.

2.1.2 It is good policy for Church school admission arrangements to contain a clear statement of the school's ethos. This serves as an introduction to the admission arrangements, so that parents are in no doubt about the nature of the school when they apply for a place. The following model statement is a suggestion:

*..... Church of England School has a distinctive Christian ethos which is at the heart of this School and provides an inclusive, caring and supportive environment where children learn and flourish in a setting shaped by Christian values. We welcome applications from all members of the community and we ask all parents to respect the Christian ethos of our school and its importance to our community.*

2.1.3 When reviewing admission arrangements, governing bodies should consider the type of school community it wishes to create. If governing bodies recognise the dual purpose of church schools discussed in the previous Chapter, they will wish to examine the impact of the admission arrangements on both the Christian community and those from the local community who may adhere to a different faith, or none. Church schools, as any other school, are under a duty to promote community cohesion and it is important that the admission arrangements enable, rather than hinder, the governors' responsibilities in this regard.

2.1.4 Governing bodies must review their admission arrangements annually, in order to assess how the arrangements are working in practice. It will not always be necessary to change the arrangements, but the following questions could form a basis for discussion. Some questions will be more relevant to some schools than others. It is good practice for schools to analyse their intakes in order to assess whether they attract a wide range of families from all sections of the local community

NB: There is a timetable for consultation (see table, page 37) which governing bodies must adhere to when changing or reviewing their admission arrangements.

- (a) Are governors clear about their objectives in setting the admission criteria?
- (b) Are the admission criteria seen to be scrupulously fair, strictly followed in the stated order of priority?
- (c) Are the admission arrangements clear and easily understood by parents?
- (d) Are the oversubscription criteria objective so that parents can assess the likely prospects of their success?
- (e) Are looked after children and previously looked after children (children in public care) first priority, or in a foundation/open place policy, first in both categories?

- (f) Do the admission arrangements reflect the views of the local worshipping community or other Christian bodies and take into account these guidelines?
- (g) Do the admission arrangements allow the pupil population of the school to reflect the ethnic balance of the local community, including those for whom English is not the first language?
- (h) Do the admission arrangements take into account children of other faiths and the enriching contributions they may bring to the life of the school?
- (i) In a primary school, is there provision for siblings to enable, as far as possible, children from families to attend the same school?
- (j) Do the arrangements include distance as a criterion and, if so, does this enable the school to serve its local community?
- (k) Do the admission arrangements give high priority to those with exceptional social or medical needs, who have a documented need for the school, to enable them to gain a place?
- (l) Do the admission arrangements enable the school to contribute to community cohesion and, if so, how?
- (m) If the school is oversubscribed can the admission committee defend the decisions made in terms of the criteria and procedures?
- (n) How are the admission arrangements kept under review ?
- (o) Is the appeals procedure adequately explained to parents, in particular for infant class size appeals?
- (p) Do the persons from whom the appeals panel are constituted reflect the ethnic and social mix of the community and have they undergone the required training?

2.1.5 Governing bodies must act in accordance with the DFE School Admissions Code and comply with its mandatory requirements. Admission arrangements must be clear, fair and objective and the criteria must be stated in order of priority. All applications, including those outside the normal admission round, must be considered strictly in accordance with the admission arrangements. Governors cannot refuse to consider an application because the applicant does not appear to fulfil the admission criteria, or complete the supplementary information form.

## **2.2 Allocating places and using the oversubscription criteria**

2.2.1 The model policies in Annex 1 are intended as guidance for governors. There are two models which may be considered:

- (a) foundation/open place model which states clearly that a proportion of places is available to the Christian community and a proportion is available to local pupils who are of a different faith or none; and
- (b) a church priority model which gives priority to church applicants.

These are discussed below. Governors should decide which type of policy is most relevant to their local circumstances, adapt the model accordingly and formulate a policy specifically for their school.



2.2.2 Over-subscription criteria need to be clearly defined e.g. definition of a sibling; how distance from school will be measured. Regulations have made it mandatory for Children in Public Care (Looked After Children) to be given first priority. The LDBS considers that all 'Looked After' children should be given priority although the code does allow for Church of England 'Looked After' children to be given a higher priority. Other commonly used and acceptable over-subscription criteria are listed:

- (a) religious affiliation and commitment of child and/or parents;
- (b) sibling links;
- (c) distance from school;
- (d) catchment areas, including ecclesiastical areas such as a parish or deanery. Areas which are co-terminous with the Local Authority (LA) are not allowed);
- (e) attendance at named feeder primary schools;
- (f) aptitude (relevant to specialist secondary schools);
- (g) ability (for the purposes of banding only);
- (h) medical or social grounds;

2.2.3 **Looked after children & previously looked after children.** All schools are required to give first priority in their admission criteria to looked after children and previously looked after children (those who were looked after immediately before being adopted or subject to a special guardianship or residence order). Such children often have low levels of attainment related, in part, to frequent changes of school because of changes in care placements. Regulations allow church schools to give priority to looked after children and previously looked after children who have a Christian commitment above those who are of another faith or none. However, the Board considers that all looked after children should be given top priority regardless of faith: in a church priority policy looked after children and previously looked after children should be first priority; in a foundation and open place policy, looked after children should be first priority in both categories. Schools should define looked after children/previously looked after children and may wish to use the LA's definition.

2.2.4 **Religious Affiliation and Practice.** Church Schools can quite legitimately use religious affiliation and practice as one of their over-subscription criteria. However, schools will be aware that this is one of the more sensitive issues relating to admissions and one which is potentially open to challenge and misuse. If using religious affiliation as one of their admissions criteria, governors must be careful to define what they mean by 'membership of a church' or 'attendance at a church'. In the first place, 'church' needs to be defined

2.2.5 **Defining church criteria.** The criteria which relate to commitment to a church are the most difficult to define because of the variety of styles of worship and the different ways in which commitment may be expressed. Governing bodies together with the local church need to consider for themselves how commitment should be defined in the light of local circumstances. There is no "one size fits all". The Code requires church schools to make it clear to parents how they can satisfy the criteria. Evidence of Christian commitment should be sought from the clergy and this should be stated in the policy. Governing bodies are strongly advised to request that parents include written evidence of religious commitment with their application, where appropriate, through use of a supplementary information form (see paragraphs 2.3.1-2.3.2).

2.2.6 Governing bodies should consider how they define "church" in the policy and should be mindful of the impact of their policy on other churches and other local church schools. The Board recommends that schools use full membership of Churches Together in Britain and Ireland, and/or the Evangelical Alliance (see Annex 2) to define a Christian church. In defining Christian church, governors should be mindful of their local context and may find it helpful to consult with the Deanery or local Churches Together Groups

- (i) The local Parish Church? - Is it named in the policy? What impact will this have on other local parishes? Will it act as a draw to families from further afield who might leave their churches in an attempt to gain higher priority by attending the Parish church?

- (ii) Other Anglican churches? - In a defined area, or named churches? Governors should consider the proximity of other church schools which have their own parish church. Governors may wish to consider including other churches where there is no church school in a neighbouring parish. If using "local" or "neighbouring" churches these should be clearly defined.
- (iii) Other Christian denominations? - How is "Christian" defined? Are there ecumenical links with other churches? Consider membership of, for example, Churches Together in Britain and Ireland (CTBI), and/or the Evangelical Alliance there may also be a local Churches Together Group (see Annex 2).

2.2.7 **Defining commitment.** There are several ways of defining commitment to a church: the most common is to use attendance at worship. Whether governors use "regular worshipper", "committed member", or another term, it must be clear to applicants what is meant. 'Regular' is too imprecise. Governors will need to state whether they are looking for weekly or monthly (or whatever) attendance. This may also require governors to think about the changing patterns of attendance at church on the part of families. In particular, it is important that single-parent families are not disadvantaged. The LDBS considers that attendance once a month or alternatively twice a month for two years is an appropriate threshold.

Governors should take account of the parent who attends most frequently rather than giving priority to an applicant because there are two parents attending church rather than one. Consideration should also be given to a parent's ability to attend Sunday worship, for instance, some families may be caring for elderly relatives which require them to be away regularly at weekends. Some parents may find it is easier to be involved with mid-week services and some may have jobs which require them to work on Sundays, eg, hospital staff, shop assistants, police; others may have one parent working abroad for extended periods. Where demand for foundation places is very high, it is possible to give priority to weekly attendees above fortnightly attendees etc, providing this is made clear in the policy, but given the commitments of some families as outlined above, there is no guarantee that a weekly attendee is any more committed than a fortnightly attendee and in that sense attendance can be a crude measure of commitment. Governing bodies should also take into account commitment at a previous church where families have moved recently; evidence should be sought from the previous minister.

2.2.8 The second is to use involvement of the family in the life of the church. The LDBS does not consider that an additional factor such as 'active involvement with the church' should normally be used. However, it is recognised that in some very oversubscribed schools an additional factor may be needed as part of their criteria. Involvement can be interpreted differently in different churches. The Board does not recommend a points system which gives more points to some activities than others: this may have a tendency to reduce commitment to a competition. Governors should say what they consider as examples of commitment and assess the evidence for this objectively. It should be made clear whether the requirement is for one activity only, or if more, the number of activities required to qualify should be specified. However, it is important in this context for parents simply to show that they are committed, not that they are more committed than others. Some examples of evidence of involvement are:

- (i) participation in church activities, eg, home groups, reading in church, mission, worship groups etc;
- (ii) membership of church committees;
- (iii) responsibilities in the church, eg, steward, sidesperson, youth leader, Sunday school teacher;
- (iv) leading worship.

NB: Governors must not include in any examples of evidence of involvement, reference to financial giving to the Church; this is barred by the Admissions Code.

- 2.2.9 If using involvement as an indicator of commitment, it is important to take account of the considerations mentioned in paragraph 2.2.7 which may apply to some families. There is no single definition of Christian commitment which will be suitable for all church schools, especially where families are drawn from a wide range of denominations. Each governing body must work out for itself what is appropriate to the particular circumstances of their community.
- 2.2.10 A third additional measure is baptism. Baptism/electoral roll: Some schools use baptism as an indicator of commitment. If other Christian denominations are included in the policy, governors should also include “thanksgiving for the gift of a child” so that denominations which do not practice infant baptism are included. Others use electoral roll as evidence of membership, but governors should keep in mind that clergy cannot be on the electoral roll of their church.
- 2.2.11 Parent or child? Governing bodies may take into account the commitment of the parent/carer/guardian and/or that of the child. If a governing body uses “family” meaning parents/ guardians and the child, this should be made clear. Most schools simply use parent/carer and/or child; the inclusion of the child being more common in secondary schools.
- 2.2.12 **Other faiths.** People of other faith traditions are often attracted to church schools because the school recognises the value of faith and acknowledges the reality of the presence of God. Governors may choose to acknowledge this in their policy by giving priority to families of other faiths. The Board recommends that “other faiths” are defined as major world faiths. In the foundation/open place model, children of other faiths should be prioritised in the open category. Where priority is given to families of other faiths, governing bodies will need to obtain appropriate evidence of commitment from the faith leader and make it clear in the admission arrangements that such evidence is required. Governors will be mindful of the fact that different faiths may have different “tests” of commitment (as indeed do different churches in the Christian faith). The Board believes it would be difficult for governors of a church school to compare the commitment of a member of the Hindu religion with that of a member of the Muslim faith. Governors should, therefore, simply satisfy themselves that the faith leader supports the applicant as someone who is considered a committed member of the faith. Any oversubscription within this criterion should be determined by objective means, such as, distance.
- 2.2.13 **Siblings.** In the majority of schools, one of the oversubscription criteria is often the presence of a sibling already in the school and who will be at the time of attendance. The complexity of family life means it is important to define what is meant by a sibling. Governing Bodies will need to consider how other children living at the same address will be considered this includes adopted /foster children and step siblings. A definition that can be used is; ‘Siblings refer to all blood, half, step, adoptive and foster children who live at the same home address as the child already attending the school and will be attending the schools at the time of the sibling’s attendance’.

Governors should be aware that this definition excludes children whose parents have separated who have chosen to live with different parents. Governors need to weigh up whether it is desirable to keep siblings together regardless of where they live, or whether there should be some restriction, so that the school continues to serve local families and not those who have moved away, but nonetheless apply for a place at the school. This definition also excludes those children from different partnerships living in the same home who have not been legally fostered or adopted and other relations, such as, cousins. The form of words used is therefore crucial and any definition should be clearly stated in the arrangements. Governors may give priority to siblings in both foundation and open criteria; “foundation” siblings, or their parents/carers, will need to demonstrate continued commitment to the church, but where this is not demonstrated they must be considered under the open siblings criterion.

Schools may give priority to siblings of former pupils, but must provide a clear and simple definition of what is meant by a former pupil for the purpose of the siblings’ criterion.

Governors should have a clear rationale for including former pupils and take the following into account:

- (a) the potential impact on the admission of local children;
- (b) the relevance of a continued relationship with a family where there is a 10-15 year gap between siblings;
- (c) the admission of siblings of former pupils whose families no longer live in the community served by the school.

**2.2.14 Distance from School.** Distance from school, or more usually “nearness to school”, is also a very commonly used over-subscription criteria and is frequently used as a ‘tie-breaker’. The Code requires governors to explain how the distance is measured, eg, straight line, or the shortest safe walking distance, and the point at the school from which the measurements are taken. Governors may wish to consider adopting the practice used by the local authority in defining distance so that there is consistency; many LAs have switched to straight line measurement and use computerised mapping systems.

Governors should make clear in their arrangements that where parents share custody of a child, only one address can be used and parents will have to prove the child’s residency at that address.

**2.2.15 Catchment Areas.** Catchment areas which are co-terminus with the LA boundary are not allowed. However, ecclesiastical catchment areas such as parish, deanery or diocese or an area within a certain radius of the school are allowed. Governors should be mindful of the catchment areas for other local schools and whether their own catchment overlaps with others. Secondary schools may consider giving priority to a fixed proportion of applicants within an inner catchment and a proportion in an outer catchment, especially where it wishes to widen the socio-economic mix of applicants to promote community cohesion. When using these a map outlining the area should be either attached to the application form, or parents informed it can be viewed at the school.

**2.2.16 Feeder Schools.** This is where attendance at a named feeder school gives a priority and usually applies to transfer into secondary school. However, it could also apply to transfer from infant to junior school. If using this as a criterion governors should ensure that the school or schools are identified. As priority is often given to siblings in this criterion it must be made clear that the sibling must be present at the time of admission.

**2.2.17 Aptitude.** In specialist secondary schools governors are allowed to prioritise on the basis of aptitude, in a specific specialism, in limited circumstances. Where this is the case the admission arrangements should include information, on any tests for that particular aptitude, and when these will happen.

**2.2.18 Medical or Social Grounds.** Governors may decide to afford some priority to pupils with specific medical or social needs. It must be clear in the admission arrangements how such a criterion will be applied and that places will be given only where there is an exceptional and specific need. Applications under such criteria should be accompanied by a written recommendation from the appropriate support agency, e.g. doctor or specialist health professional, social worker, or other care professional. The supporting evidence should state the reason why that particular school is the most suitable and the difficulties that would be caused if the child had to go to another school. Schools should ensure that the correct documentation is received.

**2.2.19 Children of staff.** Priority may be given to children of staff, but only where the member of staff has been employed for two or more years at the time at which the application is made, and/or the member of staff is recruited to fill a vacant post for which there has been a demonstrable skills shortage. If governors are considering giving priority to such staff, they should have a clear rationale and take into account:

- (a) the potential impact on the admission of local children;

- (b) whether, or not, there are implications in other areas of school life, eg, additional parents on the governing body who are also staff, which may have implications for appointing governors to committees, if there are conflicts of interest, eg, personnel and admissions committees;
- (c) the impact on staff relations if priority is only given to one category of staff.

2.2.20 **Tie-breaker.** Governors must ensure that there is a means of distinguishing between applicants where a school is oversubscribed. If distance is the final criterion, this is usually sufficient, but there are times when, with only one place left to offer, the next two applicants on the list live the same distance from the school. In such cases random allocation (see below) can be used. While this may seem arbitrary, it is a fair method to use in determining who is offered the place. The model policies in Annex 1 include a suggested wording.

2.2.21 **Random Allocation** The Board recommends that random allocation is only used as a tie-breaker in the event that a number of applicants have equal right to a place. If used, it must be clear how random allocation will operate, eg, by the drawing of lots, and the process must be independently verified.

2.2.22 **Banding.** Some secondary schools also use a banding system where pupils are banded according to ability in tests set prior to application e.g. 25% to Band 1, 50% to Band 2 and 25% to Band 3 pupils. Where the number of applications for any one group exceeds the number of places available, then another criterion or tie-breaker must be used (See above). If there are not enough applications to fill the number reserved for a group, then the 'shortfall' can be taken up by applications to other groups, vacancies cannot be left unfilled. Secondary schools with specialist college status may have a number of designated places for pupils who demonstrate an aptitude for the school's specialism.

2.2.23 **Foundation and open place policy.** Many church schools are oversubscribed and could fill all their places with church members; this is particularly true of some secondary schools. In such situations, the Board believes that church schools should consider both their role in nurturing children whose families are committed members of the Christian faith, but also in serving members of the local community who may profess another faith, or none. This is the dual role of church schools described in Chapter 1, and the foundation and open place admission policy reflects that dual role by offering a proportion of places to church applicants and a proportion to those without church affiliation, or who are of another faith.

The admission policy uniquely challenges a church school governing body to decide how to balance its wish to serve the community with its wish to nurture children from Christian homes in their faith. The decision to turn away practising Anglicans, or other Christians, from a Church of England school in order to take in other children who may have no faith, or practice another faith, is a difficult one.

2.2.24 Church schools in this position undoubtedly face a dilemma, but there is also the question of how church schools are perceived by their communities. There are instances where non-church families are put off applying to their local church school because it is perceived that priority for admission is given to church attendees to the exclusion of all others, even if, in practice, this is not the case. Some families assume that they will not be given a place when in fact the school is not oversubscribed with church families. The foundation and open place policy therefore serves another purpose in stating publicly that applications are welcome from non-church families as well as church families, thereby fulfilling the church school's dual purpose.

The LDBS is committed to ensuring that its schools have an inclusive intake. The models discussed here could deliver this but where a school is heavily oversubscribed with committed church applicants, the only way that this can be delivered is through the open/foundation model. The LDBS therefore recommends the Open/Foundation place model to governors in those circumstances. The Board has considered whether to recommend a percentage for open/foundation places but recognises that school and LA circumstances vary widely in the

diocese e.g. in one authority there is only one C of E school and in another 22, almost half the LA's schools. For this reason the Board will leave it to the judgement of governors to decide on the balance of open/foundation places. Governors may have different reasons for opting for this model, but many schools use it in order to emphasise to the community that the school welcomes applicants from outside the Church. A foundation/open place model will give an opportunity for those not connected with the Church to be educated in a church school, while if the traditional model is used, all places might be allocated to church members. LDBS advice is that governors should aim to ensure that at least some of the places in the school could be given to pupils from non-practising Christian backgrounds, no matter how much the school is in demand from the practising Christian community. (See Annex 1 model policy 1)

**2.2.25 Defining Foundation and Open places.** Governors will need to adapt the model accordingly, and formulate a policy specifically for their school. In opting for the foundation / open place model, governors should consider the following issues: They must decide not only the number of foundation places, but also the definition of a foundation place. Will it embrace just the Anglican Church, or have a broader definition which includes other Christian churches? Much will depend on the local circumstances and the historic pattern of admission, but foundation places are linked to a school's Christian foundation; for this reason governors must reserve these places for adherents to the Christian faith, unless there are fewer applicants than places, in which case they become additional open places. An overall definition must be included, eg, foundation places are offered to pupils whose parents/carers are faithful and regular worshippers in an Anglican or other Christian Church (see model Annex 1). Where there is no religious commitment required, these places are called 'Open' places.

**2.2.26 Oversubscription.** How will you decide between applicants if the foundation places are oversubscribed? Looked after children and previously looked after children must come first, but governors must decide how to order the criteria, whether to give priority to the Parish Church and whether priority is given to siblings.

**2.2.27 Order of Priority Model.** This model is where all places are allocated according to an agreed order of priority of the relevant criteria. Where there is over-subscription in any of the criteria, e.g. the number of applications from practising Anglicans exceeds the remaining number of places available, then another criterion, sometimes called a tie-breaker, must be used to allocate the places within that group. The most commonly used tie-breaker is home-school distance. (See Annex 1)

### **2.3 What Additional Information Can We Ask For ?**

**2.3.1** Governing bodies will need to obtain information from parents in order to apply their admissions criteria. Much of the information will be available from the Common Application Form application form as all applicants must complete their home local authority's common application form; naming a school on this form constitutes a valid application which governing bodies must consider. Where church schools require further information in order to apply their admission criteria, a supplementary information form (SIF) should be completed by parents. Parents need only complete the SIF if they are applying for a foundation place, or under the church criteria; it should be made clear to parents that failure to complete a supplementary form will mean their application is considered under the next most appropriate criterion.

**2.3.2** It is acceptable to ask parents to provide additional information or evidence via a Supplementary Information Form which is separate from the Common Application Form. Schools will need to make sure that parents are aware of the different requirements for the two forms especially regarding where they need to be sent. In most cases Common Application Forms will need to be returned to the LA but Supplementary Information Forms will need to be returned to the school. The information sought on Supplementary Information Forms MUST only be that needed to make an admission decision. Where this includes information about parental religious affiliation or commitment, further information, evidence or corroboration may

be sought from a priest or minister, or, in the case of other world faiths, from a religious leader. It must not duplicate information given on the Common Application form.

2.3.3 Governing bodies must ensure that they ask only for information that they need in order to apply their criteria. Forms must not ask for the following:

- (a) any personal details about parents or families, such as, maiden names, financial, marital status or criminal convictions;
- (b) the first language of the parents or child;
- (c) details about the parent's or child's disabilities, special educational needs or medical conditions;
- (d) any practical support for the School's ethos;
- (e) both parents to sign the form, or for the child to complete the form.

2.3.4 Where schools allocate places on the basis of banding or aptitude, it is permissible to test all applicants in order to determine their ability, potential or aptitude.

## **2.4. WHO DO WE HAVE TO CONSULT AND HOW DO WE DO IT**

### **CONSULTATION REQUIREMENTS**

2.4.1 Governing bodies must follow the statutory consultation process. This starts almost two years before the admission arrangements come into effect, eg, the consultation period for admission arrangements which take effect in September 2016, starts in the autumn of 2014. The timescale for consultation in any given school year is given in the table on page 16, 2.4.5. If any objection is raised about a school's admission arrangements and the objections are sent to the Schools' Adjudicator, the decision of the Adjudicator is binding on the governing body and the objector.

2.4.2 Governors must consult on their admission arrangements every seven years and in each year that the admission arrangements are changed. Governors must however still determine and publish their admission arrangements in the intervening years even where no changes are made and the determined policy must still be sent to the LDBS, the LA and all schools in the relevant area within two weeks of the governors determining their arrangements, or by the 29th April whichever is the sooner.

2.4.3 Governors must consult on the following:

- (a) the oversubscription criteria, clearly expressed in order of priority;
- (b) the supplementary information form;
- (c) application procedures and timetables, consistent with the LA's co-ordinated scheme;
- (d) information about the waiting list and how long after the end of the autumn term it will be kept, if it is kept after that date;
- (e) information about how late applications will be handled as agreed in the LA's co-ordinated scheme;
- (f) information about any tests for aptitude or ability and how these will be assessed (if applicable);
- (g) information about any separate entry requirements and oversubscription criteria for nursery, or Year 12 pupils, (if applicable);
- (h) details of any catchment areas, including parishes (if used);
- (i) the arrangements made for parents to appeal against a decision not to admit their child;
- (j) for reception admissions, information about deferred and part-time entry.

NB: The number of pupils admitted to each relevant age group, the Published Admission Number (PAN), should also be included in the admission arrangements, although this number

is not required to be consulted upon unless the governors intend to reduce the PAN. Governors must, however, notify the LA if they intend to increase the PAN and the Diocesan Board of Education should also be notified.

- 2.4.4 Each of the above requirements should form part of the published admission arrangements. Once published, admission arrangements cannot be revised within a school year except to give effect to a mandatory requirement of the School Admissions Code, admissions law, a determination by the Adjudicator, or any misprint in the arrangements. Admission authorities may propose other variations only where there is a major change in circumstances which make this necessary; in which case maintained schools must apply to the Adjudicator for a variation and academies must seek the approval of the Secretary of State. Any changes made must be notified to the LA, the LDBS, and all schools in the relevant area.

#### **2.4.5 CONSULTATION TIMETABLE**

##### **September Consultation Part 1**

Governing bodies must consult the LDBS before consulting others.

##### **1st November to 1st March Consultation Part 2**

Having taken account of the LDBS's comments governing bodies must consult:

- (a) the LA (Admissions Department);
- (b) all other admission authorities in the "relevant area";
- (c) parents of children aged 2-18 who live in the relevant area;
- (d) others whom the governing body deems to have an interest in the proposed admission arrangements.

The consultation must be posted on the School's website for the duration of the consultation period, ie, a minimum of 8 weeks between 1st November and 1st March. The consultation must end on the 1st March, the latest date for consultation is therefore the 1st week in January.

##### **1st March to 15th April Governors determine the admission arrangements**

Governors must consider any objections, or comments, to their arrangements and take these into account when finalising the policy. Once the arrangements have been determined the governors must notify the following of the determined arrangements as soon as possible after they are finalised and before 1st May:

- (a) the London Diocesan Board for Schools (LDBS);
- (b) the Local Authority (LA); and
- (c) all schools in the relevant area regardless of whether or not they are admission authorities (ie, including community and voluntary controlled schools).

A copy of the admission arrangements and supplementary information form must also be sent to the LDBS and LA before the 1st May. The LA is required to publish all school/academy admission arrangements on their website. Schools must publish their determined admission arrangements on their website making it clear the year to which they relate.

##### **1st May to 30 June Objection period**

Any person or body who considers that the admission arrangements are unlawful, or not in compliance with the Code or relevant law may object to the Adjudicator during this period.

##### **From end of June Adjudication**

The Adjudicator determines any complaints about an admission policy. S/he may require alterations to the admission arrangements or may reject the objections. The governing body must comply with any direction from the Adjudicator.



## 12th September Publication

Admission arrangements for all schools and academies must be published in the LA's online composite prospectus (hard copies must be available on request). NB: Governors are advised to ensure that the correct version is sent to the LA together with the supplementary information form for publication in the prospectus each year.

Primary schools must consult all other primary admission authorities in the relevant area; secondary schools must consult all other primary and secondary admission authorities in the relevant area.

The relevant area is defined by the LA, normally it is the administrative area of the LA (this is the case for all London boroughs in the Diocese), but in Surrey, the relevant area for primary schools is a 3-mile radius of the school and, for secondary schools, a five-mile radius.

## SUMMARY OF ACTION

2.4.6 The following table is a summary of the action that governing bodies need to take in relation to admission.

	Action	Timescale
1	Analyse admission data to ascertain that the policy is fair and attracts applicants from all sections of the community once intake confirmed for any given year	Summer term
2	Admission Committee reviews admission policy and submits it to full governing body for approval	Summer/ Autumn term
3	Agree/review terms of reference and membership of the Admission Committee and appoint clerk to the Admission Committee	First meeting of Autumn term
4	Consult Diocesan Board on admission arrangements including supplementary form	September (or earlier, ie, after policy approved by governors)
5	Consultation process on admission policy (minimum 8 weeks)	1 November to 1 March
6	Consider objections/comments and determine policy	1 March to 15 April
7	Send final version of policy to LA and to Diocesan Board and all schools in relevant area Within 2 weeks of determining policy and no later than 1	
8	Publish policy On school website and send to LA for inclusion in composite prospectus	

2.4.7 **Publication.** Admission policies must be published after they have been determined. This will be done by the LA in their composite brochure for primary admission and secondary transfer. Admission arrangements should also be available from individual schools where many will be distributed at open evenings/days and to casual applications. Once published, admission arrangements should not change within a school year unless there is a major change in circumstances (defined in the School Admissions Code as a serious and unexpected event, e.g., a fire which means classrooms are out of use). If there is a strong case for change, this must be referred to the Adjudicator and notified to all consultees.

Consideration should be given to the need to publish the admission policy in a different language so that those for whom English is an additional language are not disadvantaged.

This may be done by the LA in their composite booklet. Schools must also provide information to parents on their appeals procedures. Although there is no requirement to consult on these arrangements, they must obviously comply with statutory requirements.

## 2.5 What Else Do We Need To Know?

- 2.5.1 **Deadline dates:** The deadline for applications will be determined by the LA's co-ordinated scheme for admission both primary and secondary. This should be referred to in the admission policy. However, governors are required to consider any application for admission, no matter when this is received. LAs will provide guidance on dealing with late applications in their scheme. There may be practical difficulties in convening a meeting of the Admission Committee whenever an application is received and many schools will batch applications received outside the normal admission round so that several applications can be dealt with at the same time. Applications received after the deadline will be dealt with separately after other applicants have been considered for a place. Where a casual admission requests a place and there is a vacancy the place must be offered.
- 2.5.2 **Waiting lists:** Waiting lists are compulsory for the normal year of entry under the Admissions Code and the list must be drawn up in accordance with the admission criteria and maintained for at least the first term of the academic year. It must be made clear in the arrangements that if a child is added to the waiting list, it will require the list to be ranked again in line with the oversubscription criteria. If there is a vacancy, this must be offered to the family at the top of the waiting list irrespective of whether there are any appeals outstanding at the time. Subsequent applicants who wish to be placed on the waiting list should be ranked in accordance with the admission criteria, not the date of application. Waiting lists for the intake year should be time-limited, ie, there should be a date on which it is assumed parents no longer want a place unless they specifically request in writing to remain on the list. Places should not be offered until the place becomes vacant, even if schools are given written notice that a child will leave; until the child has actually left the school, the vacancy does not exist.
- 2.5.3 **Reserving Places:** Schools may not hold back or reserve places in the expectation that there may be later applications from families moving into the catchment area. Nor should schools admit above their published admission number unless this has been agreed with the Admission Forum.
- 2.5.4 **Nursery Admissions:** In accordance with regulations, children must start school from the beginning of the school term after their fifth birthday. However, in many areas especially inner London, children start earlier, at the beginning of the academic year in which they attain the age of five ('Rising 5'). In some schools nursery education is available for children aged 3 and 4.

Schools with a nursery class attached need to make it clear that, the procedure for admission, is not one and the same as admission into the reception class. Children attending a nursery class may transfer to the reception class of the same school, but this cannot be guaranteed. Parents should be advised that admission to the reception class will be decided on eligibility under the priorities set out in the school's admission policy and that a new admission form (Common Application Form and possibly a Supplementary Information Form) must be completed. It is recommended that in the event of oversubscription to a nursery class, the same criteria for admission should be applied as for the school. There is no right of appeal against admission to nursery schools and nursery classes since it is non-statutory education.

Some schools choose to give priority to children in the nursery when drawing up criteria for the main school. Governors need to consider the educational advantages of such a priority in terms of continuity, particularly in relation to the foundation stage, against the difficulties caused where there are fewer reception places available than the number of children in the nursery. Affording priority to nursery children will also disadvantage those parents who choose different early years provision, such as a playgroup, workplace nursery, or who

consider that their child is not ready for formal schooling. Governors will need to research whether this is the case in their individual circumstance. Governors should be aware that LAs may have strong views against giving priority to nursery children and may object to the Adjudicator. If the majority of places could be offered to those attending the school's nursery class, because it is given high priority in the criteria, this may be considered discriminatory. To date the Adjudicator has upheld all objections.

- 2.5.5 **Infant Class Size:** The School Standards and Framework Act 1998 requires that Infant classes of 5,6 and 7 year olds may not contain more than 30 pupils with a single qualified teacher. This restriction applies to ordinary teaching sessions and does not affect other school activities, such as, assemblies which are usually conducted with larger groups. Refusals on 'class size' reasons may only be made if the number of applications exceed the published admission number, and measures to keep to 30 i.e. an extra teacher, would result in prejudice to efficient education and use of resources. There are also different grounds for appeal. (See Chapter 3).
- 2.5.6 **Deferred or part-time entry to the reception class.** Admission authorities must allow children to start in reception in the September following their fourth birthday. Parents whose children have not yet reached compulsory school age (ie, the beginning of the term following their 5th birthday) may decide that they do not wish their child to start school early. Parents may request to defer entry until later in the academic year or until their child reaches compulsory school age, but may not defer entry beyond the academic year. Schools must hold the places open for such children. Parents may also request that their child attends part-time until he or she reaches compulsory school age. It is recommended that headteachers meet with any parent requesting deferred entry or part-time attendance.
- 2.5.7 **Sixth Forms:** Schools must consult on and publish their admission arrangements for the sixth form; the number of pupils admitted externally must be included in the arrangements, ie, in addition to pupils who transfer from year 11. This number can be an estimate based on previous years and should represent the minimum admission number for external applicants. Parents and children have the right to make separate applications for sixth form places and have either joint or separate rights of appeal (though if the latter they must be heard together). The policy should state the anticipated sixth form capacity. Details of entry requirements must be included and these must be the same for internal and external candidates. Looked after children and previously looked after children must be given highest priority. Interviews must not be held for sixth form, but meetings can be held to provide advice on options. Entry must not be dependent on attendance, behaviour, or perceptions of attitude or motivation.
- 2.5.8 **Special Educational Needs:** Governors are required wherever possible to facilitate the admission and integration of pupils with special educational needs (SEN). Pupils with special educational needs but without a statement must not be treated differently from other pupils and should be admitted in accordance with the admission criteria. Supplementary Information forms should not request information on special educational needs. Children who have a statement of special educational needs do not apply to schools in the same way as other pupils. The LA will consult the governing body before naming the school on the statement, but once a school is named the school is required to take the pupil. Governors must not give priority to statemented pupils in their list of admission criteria.
- 2.5.9 **Pupils With Disabilities:** Schools must not discriminate against disabled pupils and must ensure through the disability access plan that steps are being taken to enhance access to the school for such pupils. Schools are required to publish information on admission arrangements for disabled pupils. This should include access to the school for such pupils and any action being taken to ensure that such pupils are treated as fairly as other pupils. A sample statement is given in the model policies in Annex 1, but governors should ensure that any such statement is appropriate to the school's circumstances. Schools which are adapted specifically for pupils with certain types of need and have specialist units should ensure that

admission arrangements for the unit are clear. The Special Educational Needs and Disability Act 2001 imposes new duties in order to facilitate inclusion. Schools and LAs must:

- (a) not treat disabled pupils less favourably, without justification, for a reason relating to their disability;
- (b) take reasonable steps to ensure that disabled pupils are not substantially disadvantaged, compared to other pupils who are not disabled (but there is no duty to remove or alter physical features or provide auxiliary aids and services); and
- (c) plan strategically for and make progress in improving the physical environment of schools for disabled children, increasing their participation in the curriculum and improving the ways in which written information is provided to such pupils.

The duty on schools to make reasonable adjustments is anticipatory. Schools should consider in advance what steps they might take to accommodate disabled pupils. It is not generally acceptable for schools to wait until a disabled pupil is admitted, since this may, at least initially, place such pupils at a disadvantage. This will mean reviewing policies and practices to ensure that disabled children are not discriminated against. If, however, an application is received for a disabled pupil, schools should take advice from the local authority and the Diocesan Board before refusing admission for a reason related to the disability because this is likely to be unlawful.

**2.5.10 Sex and Race Discrimination Legislation:** Governing bodies must take into account the provisions of the Sex Discrimination Act 1975 and the Race Discrimination Act 1976 when setting their policies. Governing bodies must not discriminate against a child on grounds of sex, race, colour, nationality or national or ethnic origin when deciding whether to admit a pupil. Single-sex schools are an exception and the Sex Discrimination Act allows such schools to remain single-sex. Governing bodies should consider the possible impact of their admission criteria on equal opportunities.

## **2.6 Decisions on Admissions**

2.6.1 Decisions on admissions can either be made by the whole governing body or delegated to a committee. The governing body must decide on terms of reference and membership of any such committee annually. Suggested terms of reference for an Admission Committee are given in Annex 7.

When parents are refused a place at a school, they should be told the reason for that refusal. Any parent refused a place may appeal to an independent appeal panel. (See chapter 3) Offers of places should only be withdrawn if there is evidence that the application was fraudulent or intentionally misleading; or where a parent has not responded to an offer within a reasonable time.

### **Co-ordinated Admission Arrangements**

2.6.2 Local authorities (LAs) are required to co-ordinate school admissions; in London LAs work together to co-ordinate admission across London (the PAN-London co-ordinated admissions scheme). The aim is to try to ensure that all parents living within the LA receive a single offer of a school place on the same day. Different arrangements exist for primary and secondary schools. Co-ordinated schemes do not prevent a governing body from setting and administering its own admission arrangements, but offers of places to parents will be sent from the LA on behalf of the governing body. Parents are required to list their preferred schools in rank order. The LA then passes on the names of those who have applied to each school together with any other relevant information, eg, siblings, social/medical needs and looked after children, and schools supply LAs with a list of offers in rank order in accordance with the admission criteria. Where a parent could be offered places at more than one school, the parent will be given their highest preference. The co-ordinated arrangements will not eliminate "multiple offers" completely, for example not all LAs currently share information and

independent fee-paying schools are outside the scheme. Governing bodies must be consulted each year on any substantial changes to the co-ordinated scheme; more detailed guidance is given in section 2 of the Code.

### **Co-ordination of in-year admissions**

- 2.6.3 Up to 31st August 2013 LAs must co-ordinate in-year admissions, but on 1st September 2013 responsibility for in-year admissions reverts to admission authorities. In some LAs there may be a local agreement in place about how in-year admission will work in practice after 1st September 2013, it may be that in some areas parents still complete a common application form and return this to the LA, but schools make the offers. Governors should ensure that they are familiar with the practice in their LA and must ensure that LAs are notified of any vacancies and, if applicable, any offers made.

### **Deadline dates for admission**

- 2.6.4 The deadline for applications in the normal year of entry are determined nationally; different dates operate for both primary and secondary schools:

31 October for secondary transfer;

and

15 January for entry to reception classes.

Despite the above deadlines, governors must consider any application for admission, no matter when it is received. LAs will provide guidance on dealing with late applications in the normal admission round in their co-ordinated scheme and admission booklets. Applications received after the deadline will be dealt with separately after other applicants have been considered for a place. Schools should not delay dealing with late or in-year admissions unnecessarily delay.

### **Fair access protocol**

- 2.6.5 Local authorities are required to have a fair access protocol in place to ensure that, outside the normal admission round, pupils who are unplaced, vulnerable, or have challenging behaviour are evenly spread across all schools and not just placed in those schools with vacancies. All schools and academies must participate in the protocol and schools may be required to go over number to accommodate these pupils. Schools should not be asked to take a disproportionate number of pupils. The aim of the protocol is to ensure that vulnerable children are out of school for the shortest time, the protocol will identify the groups of children who are included and the timescales for placement. These children will take priority over those on the waiting list and those awaiting an appeal.

### **The impact of other legislation on admission arrangements**

- 2.6.7 Governing bodies must take into account the provisions of the Equality Act 2010, the Human Rights Act 1998, when setting their policies. Governing bodies must not discriminate against a child on grounds of sex, sexual orientation, pregnancy/maternity, race, religion or belief, or disability when deciding whether to admit a pupil. There are two permitted exceptions: single-sex schools may lawfully discriminate on the grounds of sex and church schools may lawfully discriminate on the grounds of religion or belief. Rarely, there may be indirect discrimination on racial grounds, if the over-subscription criteria refer to attendance at a named church, or the Parish Church, and there are groups, who can be defined racially, who choose to worship in an alternative setting. A summary of the key provisions of these Acts is contained in the Code's Appendix on relevant legislation.

## CHAPTER 3 – ADMISSION APPEALS

### INTRODUCTION

- 3.1 Governing bodies of voluntary aided and foundation schools and academies must make arrangements for parents to appeal against a decision not to admit their child to the school. The appeal is to an independent appeal panel set up by the governing body. The following is a brief guide to the constitution and procedures of an appeal panel. Full details and advice are given in the School Admission Appeals Code<sup>10</sup> published by the DFE; the Code is statutory and all those involved in admission appeals must act in accordance with the Code. References in the text to paragraphs in the School Admission Appeals Code are given as (SAAC...).

<sup>10</sup> School Admission Appeals Code, DFE, 2012.

### CONSTITUTION OF AN APPEALS PANEL (SAAC 1.4-1.9)

- 3.2 Responsibility for appointing members to the panel rests with the governing body of voluntary aided and foundation schools and academies and with the Local Authority in voluntary controlled and community schools. The appeal panel must consist of at least three members: a chair and at least one member drawn from each of the following categories:
- (i) lay members (ie, those without personal experience in the management, or the provision of education in any school, except school governors or volunteers);
  - (ii) persons with experience in education, who are acquainted with the educational conditions in the local authority area, or who are parents of a registered pupil at a school.
- 3.3 The panel should be seen to be as independent as possible. The following are disqualified from membership of an appeal panel:
- (i) any member, or former member, of the school's governing body;
  - (ii) any member of the maintaining LA;
  - (iii) anyone, other than a teacher\*, or teaching assistant\*, employed by the LA or the governing body;
  - (iv) anyone who has, or has ever had, any connection with the school, or with any employee of the governing body or LA such that doubts may be raised about his/her ability to act impartially;
  - (v) anyone who has been involved in a decision not to offer a child a place, or who has provided information to the admissions authority which contributed to the decision;
  - (vi) anyone who has not attended up-to-date training as required by the Code.
- 3.4 Joint appeal arrangements may be made between two or more schools. The disqualifications in paragraph 3.3, above, would apply to all schools participating in such an arrangement.

### TRAINING FOR APPEALS PANELS (SAAC 1.10)

- 3.5 Governing bodies who are their own admission authority must arrange free, up-to-date training for their appeals panel members and clerks. The regulations specify that a person only satisfies the training requirements if they have been given training on the following (as a minimum):
- (a) the law relating to admissions;
  - (b) the role of the chair of an appeal panel;
  - (c) the role of panel members;

- (d) the duties of an appeal panel under the Human Rights Act 1998, and the Equality Act 2010;
- (e) procedural fairness and the rules of natural justice.

### **APPEALS TIMETABLE (SAAC 2.1-2.4)**

3.7 Admission authorities must set out a timetable for appeals and place this on their website by 28th February in each school year. The following table sets out the timelines within which appeals must be heard. Schools may wish to devise their own timetable with deadline dates, or use this generic one, but appeals submitted after the deadlines must still be heard in accordance with the timetable, although there will be times when a very late appeal will fall outside the timetable. In-year applications and subsequent appeals may happen at any time and while the timescales below must be followed it would not be possible to set any specific dates. The table overleaf sets out the statutory timetable within which appeals must be heard according to the type and timing of the application.

### **ACTION TIMELINE**

#### **Date by which an appeal must be submitted**

At least 20 school days from the date of notification to parent of the refusal of a place

#### **Notice of the date of the appeal hearing**

At least 10 school days before the hearing

#### **Evidence and papers for the hearing**

- . Date by which evidence must be submitted by appellants;
- . Date by which evidence must be submitted by the admission authority
- . Date by which the Clerk sends appeal papers to the parents, the panel and the admission authority

The governing body must set reasonable deadlines – the following is a suggestion:

10 school days before the appeal hearing

Additional evidence from the appellants

Sometimes appellants wish to provide additional information after seeing all the papers

5 school days before the appeal hearing

#### **Decision**

**Decision letters sent to the appellants. (The letter that informs the appellant if their appeal has been upheld or refused.)**

Within 5 school days of the appeal hearing (whenever possible)

#### **Applications**

#### **Appeals must be heard within:**

Normal admission round

40 school days of the deadline for lodging appeals.

## **Primary/secondary normal admission round – late applicants; and in-year applicants**

30 school days of appeal being lodged.

### **School sixth form admissions**

30 school days of the confirmation of results (where the offer is conditional on examination results; and 40 school days of the deadline for lodging appeals where offers are not conditional on results.

## **THE APPEALS PROCEDURE**

- 3.8 When a decision has been made not to allocate a place, the governing body must inform 11 parents of this decision and of their right to appeal against it. Any appeal must be made in writing; this could be on an appeal form provided by the governing body (see model forms, Annex 6). Once a written appeal is received, the clerk to the appeal panel should arrange for a hearing according to the timescales set out in the table above. The following documentation should be available to the clerk for distribution, at least seven days before the hearing:

The LA does this on the behalf of the governing body during the normal admission round under the co-ordinated arrangements. This also applies to in-year admissions up to 31st August 2013, unless the LA has agreed with admission authorities to continue to send out offer letters on their behalf after that date. Governors are responsible for giving detailed reasons for refusing a place to those who appeal and this will require a separate letter to be sent to the parent from that sent by the LA.

- (i) a written statement from the governors summarising how places at the school were allocated and how the admission arrangements and the co-ordinated admission scheme for the school apply to the parent's case, together with any relevant background information, eg, parent's application form, clergy reference etc;
- (ii) a written summary of the reasons for the decision, including evidence that "prejudice" would arise if the child were to be admitted; a statement of the school's net capacity assessment may be included and it must be made clear whether or not the governors are using infant class size prejudice to defend their decision; and
- (iii) copies of any information or documents which are to be put before the panel at the hearing, including information from the appellants.

- 3.9 The following procedure must be followed:

- (i) An appeal must be in writing setting out the grounds on which it is made.
- (ii) An appeal panel must allow the appellant to attend the hearing and make oral representations and may allow the appellant to be accompanied by a friend or to be represented.
- (iii) Appeals must be heard in private unless the governing body decides otherwise, but the panel has power to allow observers to attend.
- (iv) The governing body must provide a presenting officer to present the case (this is normally the headteacher or the Chair of the Admission Committee).
- (v) Where a child and his/her parent make separate appeals in respect of the same decision about sixth form education, the appeals must be heard together.
- (vi) The decision of the panel is made by a simple majority vote. If the votes are equal the chair of the panel has a second or casting vote.
- (vii) The decision of the appeal panel and the grounds on which it is made must be given in writing to:
  - (a) the appellant and the local authority; and



- (b) in the case of an appeal in voluntary aided or foundation schools or academies, to the governing body.
- (viii) The governing body determines all other matters relating to the procedure on appeals.

### **THE APPEAL HEARING (SAAC 2.14 -2.17)**

- 3.10 Neither party must be alone with the panel at any time. The clerk to the appeal panel should remain with the panel when the governors' representative and appellants have withdrawn, but only to give advice on procedure and to record the decision. The venue should be accessible and have a suitable area for appellants and the presenting officer to wait separately from the panel before the hearing.
- 3.11 The order of the hearing should be as follows, but the panel may ask questions at any time:
- (i) the case for the governors;
  - (ii) questions by the appellants and panel;
  - (iii) the case for the parents;
  - (iv) questions by the appellants and panel;
  - (v) reply and summing up by the governors;
  - (vi) summing up by the appellants.

NB: Where a parent's and a child's appeals are heard jointly (usually for sixth form appeals), the panel must allow both the parent and child to attend to present their case.

### **THE GOVERNORS' CASE**

- 3.12 Admission authorities are required to comply with parental preference except in certain circumstances. The main argument put to an appeal panel by the governors will be that to admit children above the published admission number will prejudice the provision of efficient education, or the efficient use of resources. This is sometimes referred to simply as "prejudice". In essence, governors will put a case for not admitting a child based both on the physical limitations of the school building and the difficulties of resourcing extra children in terms of staffing, books and equipment. Health and safety issues may also form part of the governors' case. The governors must prove the case for prejudice to the satisfaction of the appeal panel; it is not enough simply to state that the school has reached its Published Admission Number and is full. In selective schools, where admission is based on ability or aptitude, there may be an argument based on the fact that a pupil did not reach the required standard. (Further advice for governors and headteachers on making a case to the appeal panel is available from the Diocesan Board).

### **REACHING DECISIONS ON APPEALS (SAAC 3.1-3.10)**

- 3.13 In all appeals (except infant class size appeals), the panel must consider and record its decision in two stages:
- (a) First stage: examining the decision to refuse admission:
- 3.14 The panel must consider the following in relation to each case:
- (i) whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act (SSFA) 199812 (*This relates to the primary legislation on which the Code is based*);
- and
- (ii) whether they were applied correctly and impartially to the appellant's case.

- 3.15 The panel must uphold the appeal at this stage if it finds either that:
- (i) the admission arrangements did not comply with the Admissions Code or the SSFA 1998 (part 3), or had not been correctly and impartially applied, and that the child would have been offered a place if they had; or (ii) the admission of additional children would not prejudice the provision of efficient education or efficient use of resources.
- 3.16 The panel must proceed to the second stage where it finds that:
- (i) the admission arrangements did comply with the Admissions Code or the SSFA 1998 (part 3), and that they had been correctly and impartially applied to the child; or
  - (ii) the admission arrangements did not comply, or were not correctly and impartially applied, but that if they had been, the child would not have been offered a place; AND
  - (iii) the admission of additional children would prejudice the provision of efficient education and the efficient use of resources.
- (b) Second stage: balancing the arguments (this does not apply to infant class size appeals)
- 3.17 Having decided that prejudice is proven (ie, that it would be detrimental to admit another child), the panel then balances that prejudice against the appellant's case. The panel must take into account the appellant's reasons for expressing a preference for the school, including what the school can offer that the allocated school or other schools cannot.
- 3.18 Where there is more than one appeal being heard for the same school (often termed multiple appeals), the panel may find that there are more cases which outweigh the prejudice to the school than the school can admit, in this situation, the panel must compare the cases and uphold those with the strongest case for admission.
- NB: Multiple appeals should be heard successively because panels can only decide these appeals after all have been heard; if possible, the same panel should hear all appeals for a school for any one academic year.

### **Consideration of prejudice**

- 3.19 The panel must take into account the published admission number, but must not reassess the capacity of the school; it is for the admission authority to demonstrate prejudice over and above the fact that the school is full and for the panel to consider the impact on the school of admitting additional children. In reaching their decision as to whether, or not, there would be prejudice, the panel may consider the following:
- (i) what effect an additional child would have on the school in the current and following academic years as the year group moves up the school;
  - (ii) whether any changes have been made to the accommodation or organisation since an admission number was set;
  - (iii) the impact of the locally agreed Fair Access Protocol;
  - (iv) the impact on the organisation and size of classes, the availability of teaching staff, and the effect on children already in the school.
- 3.20 The decision of the panel must be given in writing to the parents, the governing body and the LA. Where the appeal has not been successful, it is important that an adequate explanation is given as to why the appeal was not upheld, making reference to the two-stage process. Where the appeal has been successful, the governing body should be given an adequate explanation as to why the appeal was upheld (see letters – Annex 8). Where a factual point has been particularly at issue during the appeal, eg, what is the child's normal address; it is important that the decision letter refers to the panel's finding of fact on the point.

## **SIXTH FORM APPEALS (SAAC 3.16-3.17)**

- 3.21 Children and parents are allowed to appeal separately for sixth form admission, whether this is for transfer from year 11, or as an external applicant; where this occurs appeals must be heard together. Panels must not make their own assessment of a child's ability where a child was refused admission because they did not reach the specified entry requirements, but must decide whether the admission authority made a reasonable decision.

## **ADMISSION APPEALS AND INFANT CLASS SIZE (SAAC SECTION 4)**

- 3.22 Infant classes are bound by the statutory 30-pupil limit, consequently, the School Standards and Framework Act 1998 limits the decision-making powers of an appeal panel when considering appeals for infant classes. The governing body may refuse admission if the statutory limit would be breached by admitting a child and there were no measures that it could take to avoid breaching the limit without prejudicing the provision of efficient education or the efficient use of resources.
- 3.23 The regulations<sup>13</sup> refer to "relevant measures"; these are measures that would have to be taken by the governing body, such as, employing an extra teacher, and/or building a new classroom, re-organising the school into mixed age classes, in order to ensure that the statutory limit of 30 pupils per infant class with one teacher is met. The panel may only allow an appeal where it is satisfied that:

*13 The School Admission (Infant Class Sizes) (England) Regulations 2012, Statutory Instrument 2012, No 10*

- (a) the admission of an additional child would not breach the infant class size limit; or
- (b) the admission arrangements did not comply with admissions law, or were not correctly and impartially applied and the child would have been offered a place if they had been; or
- (c) the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

NB: There is no balancing stage in an infant class size appeal except in multiple appeals where a panel believes the school could admit a certain number of additional children without breaching the infant class size limit, or without the governors having to take measures to avoid breaching it that would prejudice the provision of efficient education or the efficient use of resources.

- 3.24 Governors should ensure that parents are aware of these restrictions placed on the appeal panel. The circumstances in which (c) above is proven should be extremely rare. The Code states that an appeal panel can only uphold an appeal under (c) if it decides that the governors' decision was perverse in the light of the admission arrangements, ie, beyond the range of responses open to a reasonable decision-maker, or a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person could have made such a decision.
- 3.25 Panels must also consider "future infant class size prejudice" where appropriate, eg, if the admission number is 45 and reception classes are deliberately kept small (ie, less than 30), but year 1 classes are taught in mixed age groups of 30, governors may make a case for "future infant class size prejudice".

## **EXCEPTED PUPILS - ADMISSION OF PUPILS ABOVE THE STATUTORY LIMIT FOR INFANT CLASSES**

- 3.26 The legislation provides for "excepted pupils" to be admitted to an infant class above the 30-limit in certain limited circumstances. This is to allow for situations which could not have been foreseen in planning and for children with special needs to be educated in classes in mainstream schools. Excepted pupils will fall into one of the following categories (SAC 2.15):

- (a) children with a statement of special educational needs who are admitted outside the normal admission round;
- (b) looked after children and previously looked after children admitted outside the normal admission round;
- (c) children admitted after the 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 following a successful appeal;
- (e) children who cannot gain a place at any other school within a reasonable distance of their home because they move into an area outside a normal admission round;
- (f) children of UK service personnel admitted outside the normal admission 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 that school, or children at a special school who also attend some infant class in a mainstream school.

***NB: Pupils admitted under (a)-(h) above remain “excepted” throughout their time in an infant class.***

### **THE ROLE OF THE CLERK TO THE APPEAL PANEL (SAAC 1.11)**

- 3.27 The governing body must appoint a clerk who is independent of the school and the children’s services department of the LA. The clerk should be seen to be an independent source of advice to the Panel and wherever possible the same clerk should hear all appeals for a particular year group.
- 3.28 The clerk’s main tasks<sup>14</sup> are to (based on paragraph 1.26 of the School Admission Appeals Code, 2009, DCSF):
- (i) make the necessary administrative arrangements;
  - (ii) notify the parties of the order of proceedings in advance;
  - (iii) explain the procedures to appellants and deal with any questions before the hearing;
  - (iv) be an independent source of advice on procedure, the Admission and Appeals Codes and the law on admission and appeals;
  - (v) record the proceedings, attendance, voting outcomes, decisions and reasons;
  - (vi) notify all parties of the panel’s decision in writing.

NB: All paperwork for appeals must be kept for two years following the appeal.

### **THE ROLE OF THE CHAIR OF THE APPEAL PANEL (SAAC 1.12)**

- 3.29 The chair of the appeal panel plays an important role in directing the proceedings and ensuring the hearing is conducted fairly. The chair should put the appellants at ease and ensure the hearing is conducted in an informal, but structured manner. The chair’s role is as follows:
- (i) introduce all parties equally;
  - (ii) explain the role of the clerk;
  - (iii) explain at the start that the panel is independent of the school and its decision is binding;
  - (iv) explain the order of the hearing;
  - (v) ensure effective time management including all parties having the opportunity to state their case and sum up; the chair should ensure, as far as possible, that contributions are not repetitive;
  - (vi) conclude the hearing by asking appellants if they have been able to raise all the issues they wished.

## **THE ROLE OF THE PRESENTING OFFICER**

- 3.30 Governors must provide someone to present their case for not admitting the child: this may be the headteacher, or the chair or member of the admission committee. The presenting officer must be prepared to answer detailed questions about the case, the school, the admission arrangements and local co-ordinated admission arrangements.

## **INDEMNITY OF APPEAL PANEL MEMBERS (SAAC 1.13)**

- 3.31 The governing bodies of voluntary aided and foundation schools and academies are required to indemnify the members of any appeal panels acting on their behalf. The indemnity should cover reasonable legal costs and expenses reasonably incurred in connection with any decision or action taken by them, in good faith, in their capacity as members of that panel. Diocesan voluntary aided and foundation schools which are part of the Diocesan Board's service agreement are covered under the block policy insurance taken out by the Board on schools' behalf.

## **COSTS OF ADMISSION AND ADMISSION APPEALS ARRANGEMENTS (SAAC 1.14-1.15)**

- 3.32 Under the School Finance Regulations 2006 the LA is required to allocate reasonable funds to maintained schools which are their own admission authority to meet admission and admission appeals costs unless the school and LA agree that the LA should carry out the administration on behalf of the governing body. These costs include the training of panel members. Academies receive funding through their Funding Agreement.

## **ROLE OF THE OMBUDSMAN & EDUCATION FUNDING AGENCY**

- 3.33 An appellant who believes that an appeal panel did not follow the correct procedures, or was not constituted properly may refer their complaint to the Local Government Ombudsman; in academies the complaint goes to the Education Funding Agency which then refers it to the Ombudsman. Schools and academies and their appeal panels must comply with any request for information from the Ombudsman.

## **SUMMARY OF ACTION**

- 3.34 The following table is a summary of the action that governing bodies need to take in relation to admission appeals.

### **Action**

- 1 Ensure arrangements are in place for parents to appeal against non-admission as part of the admission arrangements. (Appeals can happen at any time of year, so the panel needs to be available to act at any time.)
- 2 Ensure that insurance policies include indemnification for appeal panel members
- 3 Appoint a clerk and members to the appeal panel and ensure that they retain their independence during their service as members to appeal panel.
- 4 Ensure that the panel and clerk are trained in accordance with the requirements of the Appeals Code.

## Annex 1

### Model Admission Policies

IMPORTANT NOTE: The following model policies are for governors to consider. In providing model policies the Board is very aware of the different circumstances of schools in the Diocese.

Governors should consider very carefully whether the models are appropriate in their situation. The Board recommends the foundation and open place model which allows a proportion of places for church applicants and a proportion for non-church applicants (see paragraphs 2.23 & 2.24). The basic criteria and notes are given first and additional information common to all admission arrangements is given after the model policies. Governors must ensure that both are included in their admission arrangements. Governors will also want to include information about how to apply, etc. NB: The supplementary form (see Annex 5) is part of the admission arrangements and must be included in any consultation.

#### **Model Admission Policy 1 - Foundation/Open Place Model**

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##### **Name and address of School**

##### **Admission policy (YEAR)**

..... Church of England School has a distinctive Christian ethos which is at the heart of this School and provides an inclusive, caring and supportive environment where children learn and flourish in a setting shaped by Christian values. We welcome applications from all members of the community and we ask all parents/carers to respect the Christian ethos of our school and its importance to our community.

The Governing Body is responsible for the admission of pupils to the School and admits 30 pupils to the reception class/year 3/year 7 (delete as appropriate) each year.

The Governing Body is required to abide by the maximum limits for infant classes (5, 6 and 7 year olds), ie, 30 pupils per class (infant and primary schools only).

##### **(A) Foundation Places**

The Governing Body has designated X places to be offered to pupils whose parent/carer is a faithful and regular worshipper in an Anglican or other Christian Church (see note 1). Written evidence of applicants' commitment to their place of worship will be required at the time of application on the School's Supplementary Information Form which must be returned to the School; this evidence must be endorsed by your priest. If there are more than X applicants who qualify for a foundation place, places will be allocated according to the following criteria. These are stated in order of priority:

- (i) looked after children or previously looked after children (see note 2);
- (ii) children with an exceptional and professionally supported medical or social need for a place at this school (see note 3);
- (iii) children whose parent/carer is a faithful and regular worshipper (see note 4) at .....Parish Church;
- (iv) children whose parent/carer is a faithful and regular worshipper (see note 4) at another Anglican or other Christian Church and who will have a brother or sister (see note 5) in the school at the time of admission;
- (v) children whose parent/carer is a faithful and regular worshipper (see note 4) at one of the local Anglican or other Christian churches listed in note 6;
- (vi) children whose parent/carer is a faithful and regular worshipper (see note 4) at another Anglican or other Christian church.

In the event of oversubscription in any of the above criteria, priority will be determined in order of nearness of the home to the school (see note 7). In the event that two or more applicants live the

same distance from the school and there are insufficient places to admit all applicants, places will be allocated by drawing lots.

If there are less than **X** qualified applicants for foundation places, any unfilled places will become additional open places. Unsuccessful qualified applicants for foundation places will be considered for any open places remaining unfilled at the end of the allocation procedure.

### **(B) Open Places**

The Governing Body has designated **Y** places each year as open places, to be offered to pupils who do not qualify for a foundation place, but whose parents have chosen the school for the type of education it provides. Parents applying for an open place do so knowing that the school aims to provide an education based on Christian principles and, therefore, the Governing Body hopes that all pupils will take part in the Christian worship of the school and attend religious education lessons.

If there are more than **Y** applicants, places will be allocated according to the following criteria. These are stated in order of priority:

- (i) looked after children or previously looked after children (see note 2);
- (ii) children with an exceptional and professionally supported medical or social need for a place at this school (see note 3);
- (iii) children who will have a brother or sister (see note 5) in the school at the time of admission;
- (iv) children in order of nearness of the home to the school (see note 6).

In the event of oversubscription in any of the above criteria, distance (as measured in (iv) above) will be used to determine between applicants. In the event that two or more applicants live the same distance from the school and there are insufficient places to admit all applicants, places will be allocated by drawing lots.

### **Notes:**

1. A Christian Church is one that is a full member of Churches Together in Britain & Ireland or The Evangelical Alliance.
2. Looked after children are children who are in the care of local authorities as defined by section 22 of the Children Act 1989. Previously looked after children are children who were looked after immediately prior to being adopted, or who became subject to a residence order or special guardianship order. Children who are under an agreed series of short-term placements (such as respite) are excluded. The Governors will require written confirmation that the child is looked after or previously looked after and will be so at the time of admission to the school.
3. This must be supported by written evidence at the time of application, eg, from a specialist health professional, social worker or other care professional. The evidence must set out the reasons why this school is the most suitable school and the difficulties that would be caused if the child had to attend another school.
4. Faithful and regular worshipper is defined as attendance of the parent/carer at worship at least fortnightly for at least two years prior to application. Those who have recently moved to the area and who worshipped previously in a different church will be asked to supply a reference from that church so that the two-year period is covered. The governors do not give a higher preference to families where both parents worship.
5. Qualifying siblings are brothers and sisters, half-brothers and -sisters, step-brothers and -sisters, foster and adopted brothers and sisters who share the same home.

6. Distance is measured in a straight line using the local authority's computerised mapping system (this measurement will be from a central point of a child's home to a central point of the school); (NB: Governors must make clear how distances are measured; some LAs use shortest walking route, or use different points to measure straight-line distances). Applicants from the same block of flats will be treated equally regardless of the floor on which they live.
7. Where a child regularly lives at more than one address, the main address for admissions purposes will be the address of the person with parental responsibility and who receives child benefit and child tax credit. (Governors may wish to use the wording used by their local authority.)

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***Discussion points for governors on the foundation/open place policy:***

The above model policy is for governors' consideration; it is not designed to fit every situation and governors should refer to the questions in Chapter 1 when drawing up their policy and Chapter 2. Governors' should also consider the following if using the model as a base:

**Foundation Places**

- a. Is the definition of foundation places right? It includes both Anglican and other Christian Churches as defined in note 1.
- b. The policy gives higher preference to faithful and regular worshippers of the Parish Church. Governors should consider the impact of this on other parishes.
- c. Is the definition of faithful and regular worshipper applicable to your circumstances? Governors may define this as they wish, eg, weekly attendance for three years, monthly attendance for one year etc.
- d. Siblings are included after preference to worshippers at the Parish Church; this is for governors to determine. The above policy allows for siblings to be given priority under (iv) no matter which church they attend – this could mean that the family has moved away from the local area.
- e. Do the governors wish to give priority to "local" churches? If so, these must be defined either as in note 5, or "churches within a certain radius of the school". Governors should bear in mind, if using the latter, the possibility of including parishes which have their own church school. In this case there should be liaison with other schools/parishes which may be affected.
- f. Criterion (vi) is included to ensure there is less likelihood of being undersubscribed in the foundation category. The balance of places between foundation and open is critical. Ideally, governors should aim to offer the number of places published in each category, though numbers of applicants in each category will vary from year to year. If there is persistent under- or over-subscription in either category over a number of years, governors should consider whether the number of places in each category is appropriate.
- g. The model policy does not give priority to foundation applicants on the basis of where parents live: some schools restrict applications in some criteria to those living in the parish, or other defined area. If using this, there must be other criteria which allow those living outside the parish (or area) to apply. Governors should be mindful of attracting families from far away simply because they worship in an Anglican or Christian Church.
- h. The sibling definition in Note 5 excludes children of a partner living as the same family where the couple are not married and no formal adoption or fostering arrangement is in place; governors may wish to widen the definition to include these children. Alternatively, the governors could use the word "includes" in place of "are defined as", so that other "sibling" arrangements can be included. Governors must be careful to treat all applicants the same.



## **Open Places**

- a. Do governors wish to give specific priority to those of other faiths? If so, they should be included under the open places.

## **Model Admission Policy II - Church Priority Model**

### **Name and address of School**

### **Admission policy (YEAR)**

..... Church of England School has a distinctive Christian ethos which is at the heart of this School and provides an inclusive, caring and supportive environment where children learn and flourish in a setting shaped by Christian values. We welcome applications from all members of the community and we ask all parents/carers to respect the Christian ethos of our school and its importance to our community.

The Governing Body is responsible for the admission of pupils to the School and admits 30 pupils to the reception class/year 3/year 7 (delete as appropriate) each year.

The Governing Body is required to abide by the maximum limits for infant classes (5, 6 and 7 year olds), ie, 30 pupils per class (infant and primary schools only).

If there are more than **X** applicants, places will be allocated according to the following criteria after the admission of any children with a statement of special educational needs which names this school. These are stated in order of priority:

- (i) looked after children or previously looked after children (see note 1);
- (ii) children with an exceptional and professionally supported medical or social need for a place at this school (see note 2);
- (iii) children whose parent/carer is a faithful and regular worshipper (see note 3) at ..... Parish Church;
- (iv) children who will have a brother or sister (see note 4) in the school at the time of admission;
- (v) children whose parent/carer is a faithful and regular worshipper (see note 3) at another (local) Anglican or other Christian church (see note 5);
- (vi) children whose families are committed members of another religious faith, who live within a X-mile radius of the school; written evidence will be required from the faith leader (see note 6);
- (vii) children in order of nearness of the home to the school (see note 7).

In the event of oversubscription in any of the above criteria, distance (as measured in (vii) above) will be used to determine between applicants. In the event that two or more applicants live the same distance from the school and there are insufficient places to admit all applicants, places will be allocated by drawing lots.

### **Notes:**

1. Looked after children are children who are in the care of local authorities as defined by section 22 of the Children Act 1989. Previously looked after children are children who were looked after immediately prior to being adopted, or who became subject to a residence order or special guardianship order. Children who are under an agreed series of short-term placements (such as respite) are excluded. The Governors will require written confirmation that the child is looked after or previously looked after and will be so at the time of admission to the school.
2. This must be supported by written evidence at the time of application, eg, from a specialist health professional, social worker or other care professional. The evidence must set out the reasons why this school is the most suitable school and the difficulties that would be caused if the child had to attend another school.
3. Faithful and regular worshipper is defined as attendance of the parent/carer at worship at least fortnightly for at least two years prior to application. Those who have recently moved to the area and who worshipped previously in a different church will be asked to supply a

reference from that church so that the two-year period is covered. The governors do not give a higher preference to families where both parents worship.

4. Qualifying siblings are brothers and sisters, half-brothers and -sisters, step-brothers and -sisters, foster and adopted brothers and sisters who share the same home.
5. A Christian Church is one that is a full member of a local Churches Together Group, Churches Together in England or The Evangelical Alliance.
6. Applications are welcome from members of other faiths; the governors require a written reference from the family's faith leader confirming that they are a committed member of the faith. Faiths included under this criterion are those belonging to the Inter-Faith Network, ie, Baha'i, Buddhist, Hindu, Jain, Jewish, Muslim, Sikh and Zoroastrian.
7. Distance is measured in a straight line using the local authority's computerised mapping system (this measurement will be from a central point of a child's home to a central point of the school). (NB: Governors must make clear how distances are measured; some LAs use shortest walking route, or use different points to measure straight-line distances). Applicants from the same block of flats will be treated equally regardless of the floor on which they live.
8. Where a child regularly lives at more than one address, the main address for admissions purposes will be the address of the person with parental responsibility and who receives child benefit and child tax credit. (Governors may wish to use the wording used by their local authority.)

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***Discussion points for governors on the church priority model:***

The above model policy is for governors' consideration; it is not designed to fit every situation and governors should refer to the questions in Chapter 1 when drawing up their policy. Governors' should also consider the following if using the model as a base:

- a. The policy gives higher preference to faithful and regular worshippers of the Parish Church. Governors should consider the impact of this on other parishes.
- b. Is the definition of faithful and regular worshipper applicable to your circumstances? Governors may define this as they wish, eg, weekly attendance for three years, monthly attendance for one year etc.
- c. Siblings are included after preference to worshippers at the Parish Church; this is for governors to determine. The above policy allows for siblings to be given priority under (iv) regardless of where they live – this could mean that the family has moved away from the local area.
- d. Do the governors wish to give priority to "local" churches – if so, these must be defined either as in note 6, or "churches within a certain radius of the school". Governors should bear in mind, if using the latter, the possibility of including parishes which have their own church school. In this case there should be liaison with other schools/parishes which may be affected.
- e. The model policy does not give priority to church applicants on the basis of where parents live:
- f. some schools restrict applications in some criteria to those living in the parish, or other defined area. If using this, there must be other criteria which allow those living outside the parish (or area) to apply. Governors should be mindful of attracting families from far away simply because they worship in an Anglican or Christian Church.
- g. The sibling definition in Note 4 excludes children of a partner living as the same family where the couple are not married and no formal adoption or fostering arrangement is in place; governors may wish to widen the definition to include these children. Alternatively, the governors could use the word "includes" in place of "are defined as",

so that other “sibling” arrangements can be included. Governors must be careful to treat all applicants the same.

- h. The policy includes in (vi) a criterion relating to other faiths. This is included here as an example of wording. Governors should consider whether they wish to give specific priority to this group.
- i. Note 8 on distance states that applicants living in the same block of flats will be treated equally, ie, applicants living on the ground floor will not be given higher priority than those living on a higher floor (if necessary, a tie between applicants for a place would be dealt with by drawing lots); governors may decide to follow their local authority’s practice.

## **ADDITIONAL INFORMATION FOR INCLUSION IN ALL ADMISSION ARRANGEMENTS**

***NB: The following information must be included in all policies whether using the foundation and open place model or the church priority model.***

### ***Waiting list***

The School operates a waiting list which is ordered in accordance with the admission criteria. The waiting list is held until DATE (this must be at least up to the end of the autumn term in the admission year). Parents may request in writing to join the waiting list.

### ***Appeals***

Parents who are not offered a place for their child have the right to appeal to an independent appeal panel. Parents wishing to appeal should obtain an appeal form from the school. The form should be sent to reach the Clerk to the Appeal panel, c/o the School, within 20 school days of the date of the letter confirming the governors' decision not to offer a place. Should an appeal be unsuccessful, the governing body will not consider a further application from those parents within the same academic year unless there have been significant and material changes in their circumstances.

### ***Co-ordinated admission arrangements***

The School is part of the locally agreed co-ordinated admission arrangements and the timescales for applications to be received and processed are those agreed with the local authority. Parents must complete their home local authority's Common Application Form and return the form to their Authority; if applying for a place at this School, parents must name this School as one of the preferences on the Common Application Form. Parents who wish to apply for a foundation place/under the church criteria (delete as appropriate) must also complete the school's supplementary form and return this to the School by the **CLOSING DATE**.

Failure to return the supplementary form will mean that the school cannot consider the application under the church criteria, in this case the application will be considered under the next most appropriate criteria based on the information on the Common Application Form. On-line applications may be made via (insert **WEB LINK**); more information is available in your local authority's admission booklet or on the local authority's website.

### ***Late applications***

The Governors will consider late applications in accordance with the procedure in the local authority's co-ordinated scheme as published in the LA school admissions booklet.

### ***Special educational needs***

Parents of pupils who have a statement of special educational needs are required to apply for school places separately through the local authority from which advice is available. If a child with a statement is placed in the school by the local authority before the normal admission round, the number of places available to other applicants will be reduced.

### ***Deferred entry to reception class/part-time entry (infant schools and primary schools only)***

The School admits children to the reception class in the September of the school year in which a child attains the age of 5 years. (The school year runs from 1 September to the 31st August.) Parents/carers applying for a place in the reception class may request to defer entry to the reception class until the beginning of the term after their child is five years old, but cannot defer entry beyond the end of the school year. Parents/carers may also request that their child attends part-time until their child reaches compulsory school age.

## **Annex 2**

# **Churches Together in Britain and Ireland (CTBI) - Membership**

### ***MEMBERSHIP OF ECUMENICAL BODIES***

At the time this guidance was published, the following were listed as full members of Churches Together in Britain and Ireland; for up-to-date information access Churches Together in Britain and Ireland website at [www.ctbi.org.uk](http://www.ctbi.org.uk).

#### ***Full Members***

*Antiochian Orthodox Church*

*Armenian Orthodox Church*

*Apostolic Pastoral Congress*

*Baptist Union of Great Britain*

*Cherubim and Seraphim Council of Churches*

*Church of England*

*Church in Wales*

*Church in Ireland*

*Church of God of Prophecy*

*Church of Scotland*

*Congregational Federation*

*Council of African and Caribbean Churches*

*Council of Oriental Orthodox Churches of the United Kingdom and the republic of Ireland :*

*Armenian Apostolic Church*

*Coptic Orthodox Church*

*Ethiopian Orthodox Church*

*Eritrean Orthodox Church*

*Indian Orthodox Church*

*Syrian Orthodox Church*

*Evangelische Synode Deutscher Sprache in  
Großbritannien*

*Exarchate of Orthodox Parishes of the Russian  
Tradition (Ecumenical Patriarchate)*

*Greek Orthodox Church ;Oecumenical Patriarchate*

*Independent Methodist Churches*

*International Ministerial Council of Great Britain*

*Joint Council for Anglo- Caribbean Churches :  
Building of the Temple (Ecclesia of God)*

*Latter Rain outpouring Revival Church  
Pentecostal Church of God  
The International City Mission Church  
Pentecostal Church of Jesus Christ Inc  
Church of God in Christ United  
Mount Zion Holiness Church  
New Way Pentecostal Fellowship  
Faith Restoration Outreach Ministry  
New Testament Assembly Christian Centre  
Pentecostal Assembly  
Pentecostal Church of God (Leyton)*

*Lutheran Council of Great Britain*

*Mar Thoma Church*

*Methodist Church*

*Methodist Church in Ireland*

*Moravian Church*

*Presbyterian Church of Wales*

*Religious Society of Friends*

*Roman Catholic Church in England in England and Wales*

*Roman Catholic Church in Scotland*

*Roman Catholic Church in Ireland*

*Salvation Army*

*Scottish Episcopal Church*

*Union of Welsh independents*

*United Free Church of Scotland*

*United Reformed Church*

*Wesleyan Holiness Church*

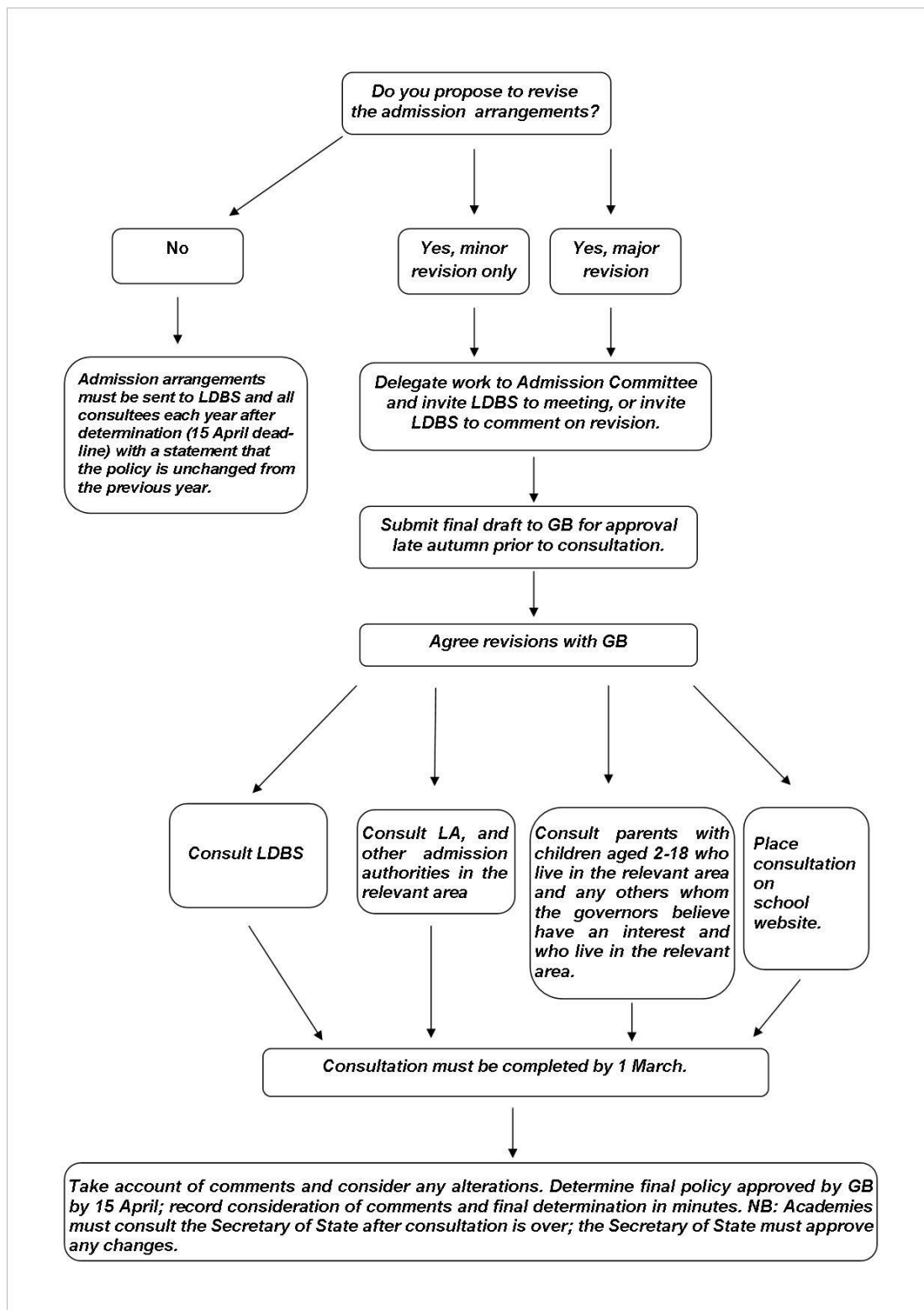
## **EVANGELICAL ALLIANCE**

The Evangelical Alliance is the largest body serving evangelical Christians in the UK. They are a founding member of the world Evangelical Alliance, a global network of more than 600 million evangelicals.

**Please note that many members of The Evangelical Alliance are individual congregations or churches and therefore too numerous to list here. However, they can be ‘searched for’ on the Evangelical Alliance website. [www.eauk.org](http://www.eauk.org)**

## Annex 3

### Consultation Process Flowchart



**Note: GB=Governing body**

Notes to flowchart:

1 Primary schools must consult all other primary school admission authorities in the relevant area; secondary schools must consult all primary and secondary school admission authorities in the relevant area.

2 The relevant area is defined by the LA, normally it is the administrative area of the LA (this is the case for all London boroughs in the Diocese), but in large county council areas, other definitions may be given, eg, within a certain radius of the school. Governing bodies should check with the LA.



**ADMISSION ARRANGEMENTS CHECKLIST****LONDON DIOCESAN BOARD FOR SCHOOLS****ADMISSION ARRANGEMENTS CHECKLIST**

Issue	Comments	✓ <input type="checkbox"/>
<b>Dates and publication of admission arrangements</b>	It must be made clear in the admission arrangements the year to which they apply. Deadlines dates may change from year to year. The arrangements must be published on the school's website: two policies will be "current" at any one time – the policy for in-year admissions and the policy for the following year's reception, year 3 or year 7 admission arrangements. (Even where no changes are made for the following year, the arrangements will apply to different academic years and this should be made clear.)	
<b>Ethos statement</b>	The Board recommends that schools include an ethos statement as an introduction to their admission arrangements which sets out for parents the fact that the school has a Christian ethos. The following model statement may be adapted:  <i>..... Church of England School has a distinctive ethos which is at the heart of this school and provides an inclusive, caring and supportive environment where children learn and flourish in a setting shaped by Christian values. We welcome applications from all members of the community and we ask all parents/carers to respect the Christian ethos of our school and its importance to our community.</i>	
<b>Number of pupils</b>	Policy should include the number of places available in each relevant age group (ie, the age group in which pupils are admitted, normally reception for primary/infant, year 3 for junior and year 7 for secondary; schools with sixth-forms must provide the number of places for pupils admitted from outside the school, ie, those not transferring from year 11). If foundation/open places are used, the number of places in each category must be given.	
<b>Siblings definition</b>	Definition should be provided so it is clear how the governing body interprets this. Schools may wish to adopt the definition used by the LA to provide consistency, or the SDBE definition: <i>Qualifying siblings are brothers and sisters, half-brothers and -sisters, step-brothers and -sisters, foster and adopted brothers and sisters who share the same home.</i>	
<b>Nearness definition</b>	Definition should be given: eg, straight line, shortest safe walking distance; also the points from which the measurements are taken, eg, from front door/central point of child's home to school's main gate/central point of school. Schools may wish to adopt the definition used by the LA to provide consistency. Where schools use the LA's Geographical Information System (GIS), or similar, this should be stated.  <b>Blocks of flats:</b> Applicants from the same block of flats will be treated equally regardless of the floor on which they live.	
<b>Definition of "regular worshipper" etc</b>	Whatever term is used in the admission criteria to describe commitment to a church, it must be defined so that parents can understand its meaning, eg, attendance at worship twice a month for two years. If governing bodies use other indicators of commitment these should be described in the policy. The Board believes that there can be no universal definition of commitment, or practising member of a church, this is something that each governing body must consider for itself. In primary schools the local context of the parish will be an important factor. Governing bodies should familiarise themselves with the Board's guidance on defining church criteria (see pages 8-9).	

Issue	Comments	✓ <input type="checkbox"/>
<b>Evidence of religious commitment</b>	A written church reference confirming church commitment should be sought, ideally a supplementary form signed by both parent and clergy, or other responsible person in the church. It must be made clear to parents that this is required and that failure to complete a supplementary form or to supply a clergy reference will mean that their application is not considered under the church criteria. (See below Supplementary Information Form.)	
<b>Looked after children and previously looked after children (LAC)</b>	Top priority must be given to all looked after children and previously looked after children (hereafter referred to as LAC) regardless of faith. In the traditional type of admission policy, therefore, LAC should be first in the list of criteria with no caveat about faith commitment. In foundation and open place policies, LAC should be top priority in both categories; this would mean that LAC applying for a foundation place would have to fulfil the foundation criteria, this would probably only be an option for committed Christian foster-carers.	
<b>Special Educational Needs (SEN)</b>	Pupils with statements of special educational need apply to schools through a separate process: schools must not, therefore, give priority to these pupils in their admission criteria. The School Admission Code states clearly that this is not an oversubscription criterion because once a school is named on the statement it must take the pupil whether, or not, a place is available. Governing bodies must be consulted prior to the school being named and may either accept the placement, or oppose it on certain prescribed grounds. Further guidance is given in Annex 4.	
<b>Special medical or social needs</b>	There is no requirement on schools to include a criterion giving priority to those with special medical or social needs, but the Board encourages schools to do so as part of the church school's wish to serve those most in need. However, admission under this category should be exceptional. The following is a suggested wording: <i>Children with an exceptional and professionally supported medical or social need for a place at this school. This must be supported by written evidence at the time of application, eg, from a specialist health professional, social worker or other care professional. The evidence must set out the reasons why this school is the most suitable school and the difficulties that would be caused if the child had to attend another school.</i> Governors should make it clear what supporting evidence is required; the onus is on parents to make the case.	
<b>Tie-breaker</b>	All policies must have a tie-breaker to determine between applicants where the cut-off for admission falls within one of the admission criteria. Schools must publish how they would deal with such a situation. Normally distance is used, but schools should be aware that there may be rare occasions when two applicants will live equidistant from the school. In such cases admission may be determined by the drawing of lots, but this must be stated.	
<b>Supplementary form</b>	The supplementary form must only ask for information needed to apply the admission criteria which is not supplied through the Common Application Form. In general, therefore, this will only relate to the foundation applicants or the "church" criteria. The supplementary form should be included in the consultation documentation. The Board has a model form for schools to adapt. Schools which admit a proportion of pupils according to aptitude and grammar schools may require completion of a supplementary form.	

Issue	Comments	✓ <input type="checkbox"/>
<b>Waiting list</b>	Waiting lists are compulsory for the normal year of entry under the Admissions Code and the list must be drawn up in accordance with the admission criteria and maintained for at least one term. A statement to this effect and any additional arrangements must be included in the policy.	
<b>Appeals</b>	A statement to the effect that parents not offered a place have a right of appeal to an independent panel should be included. Schools must allow 20 school days for parents to appeal.	
<b>Application procedure and timetable</b>	<p>Information about how to apply, deadline dates for receipt of forms etc. Reference should be made to LA's co-ordinated arrangements. A form of words is suggested below, but this may need to be adapted to fit the local co-ordinated scheme. Schools may wish to specify the outline timetable.</p> <p><i>The School is part of the locally agreed co-ordinated admission arrangements and the timescales for applications to be received and processed are those agreed with the local authority. Parents must complete their home local authority's Common Application Form and return the form to their Authority; if applying for a place at this School, parents must name this School as one of the preferences on the Common Application Form. Parents who wish to apply for a foundation place/under the church criteria (delete as appropriate) must also complete the school's supplementary form and return this to the School by the CLOSING DATE. Failure to return the supplementary form will mean that the school cannot consider the application under the church criteria, in this case the application will be considered under the next most appropriate criteria based on the information on the Common Application Form. On-line applications may be made via (insert WEB LINK); more information is available in your local authority's admission booklet or on the local authority's website.</i></p>	
<b>Late applications</b>	Information about how applications received after the deadline will be dealt with. Schools must follow the LA's co-ordinated scheme.	
<b>Separate entry to nursery</b>	It should be made clear that admission to the nursery is separate and does not guarantee a place in the reception class. Any priority given to nursery applicants should ensure that families that live near the school, those who choose other nursery provision, or those who have recently moved to the area are not disadvantaged compared with other families.	
<b>Deferred entry/ part time entry (Reception classes only)</b>	<p>It is expected that all children entering reception classes do so in September, but parents may request to defer entry, and or request part-time entry. The following wording is suggested for inclusion in admission arrangements.</p> <p><i>The School admits children to the reception class in the September of the school year in which a child attains the age of 5 years. (The school year runs from 1 September to the 31<sup>st</sup> August.) Parents/carers applying for a place in the reception class may request to defer entry to the reception class until the beginning of the term after their child is five years old, but cannot defer entry beyond the end of the school year. Parents/carers may also request that their child attends part-time until their child reaches compulsory school age.</i></p>	
<b>Separate entry to sixth form</b>	Include information about any separate entry requirements to the sixth form, if applicable.	
<b>Ability/ aptitude</b>	Include information about any testing arrangements, if applicable.	

## Annex 5

### **ADMISSION OF STATEMENTED PUPILS**

#### ***Duty of the Local Authority (LA)***

1. The LA has a duty under the Education Act 1996 to educate children in mainstream schools unless this is incompatible with the parents' wishes, or the particular needs of the child could not be met in a mainstream school. The admission of stated pupils is a separate process and should not be part of the normal admission round. The LA must also take into account the provisions mentioned in paragraph 2, below.

#### ***Expressing a preference***

2. The ability of parents to express a preference for a school is the same for all parents regardless of whether their child has a statement of special educational needs. Where a parent asks for a particular school to be named in a statement, the LA must do so unless:
  - (a) the school is unsuitable to the pupil's age, ability, aptitude and special educational needs; or
  - (b) the pupil's needs are incompatible with the interests of other children in the school with whom the child would be educated; or
  - (c) such a placement would be an inefficient use of LA resources.
3. The LA must also take into account the parent's representations (if any), unless a parent indicates that they do not want a mainstream school, the pupil must be educated in a mainstream school except where this is incompatible with the efficient education of other children.
4. The LA must also take into account whether the school is already full since admitting pupils over the admission number may be incompatible with the interests of other children in the school and the efficient use of resources. For primary schools with infant classes, LAs must also comply with the infant class size legislation; in the majority of cases, decisions should be made before the normal admission round.
5. The Special Educational Needs – Code of Practice<sup>1</sup> (paragraph 8.65) recommends that LAs consider very carefully a parental preference for a denominational school. Denominational considerations may be taken into account when considering the appropriateness of the school for meeting a child's needs, but cannot override the three criteria in paragraph 2, above.

#### ***Consultation***

6. LAs must consult<sup>2</sup> the governing body of a school before naming the school in the statement. LAs must provide the governing body with a copy of the proposed (or amended) statement and appendices. If the governing body does not respond it will be assumed that the school has no comment to offer and accepts the placement of the pupil. A governing body has 15 working<sup>3</sup> days to respond to the LA. LAs are bound to consider the governing body's response, in particular any concerns that the governing body has that the child's attendance may be incompatible with the efficient education of the other children. The LA will also consider whether there is anything the governing body or the LA can do to prevent

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<sup>1</sup> Special Educational Needs – Code of Practice, DfES, 2001, pages 107-112.

<sup>2</sup> Education Act 1996, Schedule 27, paragraph 3(4).

<sup>3</sup> This does not include school holidays that are longer than two weeks.

the incompatibility, but may still determine that the child must be admitted and may give directions to the governing body as to when the child must be admitted to the school.

7. If there are grounds for opposing the naming of the school in a statement, these should focus particularly on the points referred to in paragraphs 2 and 4 above. The governing body cannot refuse to admit a child because he/she has special needs, or because it feels the school cannot cater for the child's needs.
8. If the governing body believes the LA is being unreasonable in naming the school in a statement, for instance, if the school is full and there is space in a neighbouring school, it may have grounds for complaint to the Secretary of State.

#### Further Guidance

9. Statutory guidance for governors and headteachers on the inclusion of children with special needs in mainstream schools is available in *Inclusive Schooling: Children with Special Educational Needs* DfES/0774/2001 and can be downloaded from [www.education.gov.uk/publications](http://www.education.gov.uk/publications)

## Annex 6

### Model Membership & Terms of Reference of The Admission Committee

#### Membership

- 1 The membership of the Admission Committee will comprise:
  - (a) The headteacher
  - (b) A governor<sup>4</sup>
  - (c) A governor
  - (d) A governor (to act as reserve in case of absence of another governor)
- 2 The above membership will be appointed until the Committee membership is reviewed.
- 3 The Committee will appoint its own clerk who will not be a member of the Committee. The clerk's role will be to minute the decisions of the Committee.
- 4 The quorum for a meeting of the Admission Committee shall be 3, including the headteacher.

#### Terms of reference

- 5 To determine applications for admission in accordance with the Governing Body's published admission policy whenever there is a decision to be made between applicants.
- 6 To authorise the Admission Committee to give power to the headteacher to admit applicants outside the normal admission round where a decision does not have to be made, i.e., where the number of applicants in a particular year group matches the number of vacancies in that year group.
- 7 Where a waiting list<sup>5</sup> has been agreed by the Admission Committee for any given year group, the headteacher will have power to admit pupils in accordance with that list, subject to any new applications received since the waiting list was established being decided by the Committee.
- 6 To ensure that the annual consultation process on the school's admission arrangements is effected within the specified timetable, and within that process, that the admission arrangements are approved by the full Governing Body.
- 7 To ensure that the Governing Body's approved arrangements are in place for parents to appeal against the Committee's decision not to offer a place.
- 8 To carry out its duties in accordance with the DfES Codes of Practice on Admission and Admission Appeals.
- 9 To monitor the admission and appeals process and bring appropriate matters to the attention of the Governing Body.

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<sup>4</sup> It is recommended that at least one governor is a foundation governor; a parent governor may find they have to withdraw if the applicant is well known to them and there is doubt about their ability to act impartially.

<sup>5</sup> A waiting list is not compulsory.

- 10 To report any decisions<sup>6</sup> taken on behalf of the Governing Body to the next full meeting.
- 11 To carry out any other reasonable and appropriate duties at the request of the Governing Body.

### ***The admission committee & the role of clergy***

- 12 It is recommended that governing bodies delegate responsibility for the admission of pupils to an Admission Committee whose membership comprises the headteacher and at least three other governors (the quorum is three governors); the Committee must have the services of a clerk. It is not possible for an individual to make decisions about applicants unless there are fewer applicants than places, in which case there is no “decision” to be made.
- 13 The Committee’s responsibilities will include making decisions on which applicants to admit to the school in accordance with the published admission arrangements. The Committee should not determine the admission arrangements, but may make recommendations to the governing body for approval. Suggested terms of reference are given in Annex 5.
- 14 Parish clergy will be involved in giving references for their own parishioners and it may be seen that there is an advantage to worshipping in the Parish Church if the Parish Priest is a member of the admission committee. While clergy references are factual and not based on opinion, and are only one part of the admission process, there is a strong case for caution and avoiding the possibility of challenge in the increasingly complex area of appeals. The Board strongly recommends, therefore, that clergy, who are also governors, are not involved with admissions decisions about individual applicants and do not put themselves forward as members of the admission committee. Clergy may, however, wish to be part of any discussions about the admission arrangements.

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<sup>6</sup> The minutes of the Admission Committee should include the names of all applicants, the criteria they fulfilled and whether they were offered a place. These may be required at an appeal hearing. The governing body would not need such detailed information, but would be given a summary detailing the number of pupils admitted under each criterion.

## **Annex 7**

### **MEMBERSHIP & TERMS OF REFERENCE OF THE ADMISSION COMMITTEE**

#### **Membership**

1. 1 The Admission Committee shall comprise four governors<sup>18</sup>, the fourth to act as reserve in case of absence of one of the other governors.
2. The Board recommends that at least one governor is a foundation governor; a parent governor will have to withdraw if the applicant is well known to them and there is doubt about their ability to act impartially, or if they are applying for a place for their own child.
3. The minutes of the Admission Committee should include the names of all applicants, the criteria they fulfilled and whether they were offered a place. These may be required at an appeal hearing. The governing body would not need such detailed information, but would be given a summary detailing the number of pupils admitted under each criterion.

#### **Quorum**

4. The quorum for a meeting of the Admission Committee shall be three governors.

#### **Clerk**

5. The Committee will appoint its own clerk who will not be a member of the Committee. The clerk's role will be to minute the decisions of the Committee.

#### **Terms of reference**

- a. To determine applications for admission in accordance with the Governing Body's published admission and appeals process and analyse the intake each year to ensure that the policy does not discriminate against any section of the community and bring appropriate matters to the attention of the Governing Body.
- b. To report any decisions policy whenever there is a decision to be made between applicants and, if there is oversubscription, to establish a waiting list in accordance with the governors' policy.
- c. To authorise the Admission Committee to give power to the headteacher, or the Chair of the Admission Committee, to admit applicants outside the normal admission round where a decision does not have to be made, ie, where a vacancy or vacancies exist and the number of current applications does not exceed the number of vacancies. Such actions must be carried out in accordance with the protocols in the LA in-year co-ordination scheme where it exists.
- d. Once a waiting list has been agreed by the Admission Committee for any year group, the headteacher, or Chair of the Admissions Committee, will have power to admit pupils in accordance with that list, provided that no new application has been received since it was established or reviewed, in which case any vacancy must be referred to the Committee for determination.
- e. To ensure that the eight week consultation on the school's admission arrangements (where required) takes place within the required timetable (ie,



between 1st November and 1st March), and within that process, that the admission arrangements are determined by the full Governing Body

- f. To advise the full Governing Body on any changes to the admission arrangements and to seek the Governing Body's approval to the changes by 15 April.
- g. To ensure that arrangements are in place for parents to appeal against the Committee's decision not to offer a place.
- h. To carry out its duties in accordance with the DFE Codes on Admission and Admission Appeals and with regard to the guidance of the Southwark Diocesan Board of Education.
- i. To monitor the admission 19 taken on behalf of the Governing Body to the next full meeting.
- j. To carry out any other reasonable and appropriate duties at the request of the Governing Body.

## Annex 8 Model Admission Policy Consultation Letter

NB: This letter must accompany the admission arrangements consultation for any year in which the governing body is required to consult, i.e., in 2006 (for the intake in September 2007) and, providing no objections are raised and the governing body does not alter its arrangements, bi-annually thereafter. However, if any objection is raised in the previous year, or where alterations are made to the policy, the consultation must take place.

To: 1 The Diocesan Director of Education<sup>7</sup>  
2 Director of Education of maintaining LA and bordering LAs<sup>8</sup>  
3 Governing Bodies of maintained schools in the relevant area

**(Date)**

Dear ....

### **ADMISSION POLICY - (NAME OF SCHOOL)**

I enclose a copy of the current admission policy for ..... Church of England School which was approved by the Governing Body on **(date)**.

As you are aware, the Governing Body is required to consult on its admission arrangements, in accordance with Section 89 (2) of the *School Standards and Framework Act 1998*. **No changes have been made to the policy this academic year/please note the following changes to the policy.**<sup>9</sup>

If you wish to make any comments, I would be grateful to receive these by *(date)* **(28 days of the date of the letter)**. If you have not heard anything further by **(date)**<sup>10</sup> you should assume that no changes have been made and the enclosed policy is the final version as determined by the Governing Body.

Yours sincerely

Clerk to the Admission Committee

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<sup>7</sup> Governing bodies must consult the Diocesan Authority prior to consulting others.

<sup>8</sup> For primary schools, this is any LA within a 2 mile (3.2 km) radius of the school and for secondary schools and LA within a 5 mile (8 km) radius of the school.

<sup>9</sup> Delete or insert sentences as appropriate.

<sup>10</sup> 14 days after the deadline for determination of the policy – unless the Regulations change this will be 29 April (see Table on page 8).

## Annex 9

### Model Forms for Admission and Appeals

LAs will have a scheme for co-ordinating admission arrangements; it is a requirement of such schemes that there is one Common Application Form for all applicants living in the LA. Church schools may use a Supplementary Information Form where additional information, e.g., regarding church membership is required. Governors will need to decide what information is relevant to their admission policy, amend as appropriate and design forms with sufficient space for parents to complete the relevant details. This form should NOT ask for information which is already on the Common Application Form or details not required by the admission policy. This form is meant as guidance only.

<b>SUPPLEMENTARY INFORMATION FORM ..... C OF E SCHOOL</b>	
Parents should fill in this form when applying for a place at the school and should ensure that they have a copy of the admission policy prior to completing the form and returning it to the school by 12.00 hours on <i>(date)</i> .	
<b>Pupil Information:</b>	
Surname of child:	Other Name(s):
Date of birth:	
Name of parent(s)/guardian(s):	
Home address (please include proof of residence, e.g., child allowance documentation, council tax etc):	
Home telephone:	Daytime telephone (if different):
<b>Church information:</b>	
Are you applying for a Foundation or Open Place? (if relevant)	
Name and denomination of church which family attends, length of attendance and frequency:	
(Any other church information should only be asked if it is relevant to the school's admission criteria.)	
Name of Church of England Parish in which you live:	
Name of Minister (who can confirm your church/ attendance):	
Address of Minister:	
NB: If you have moved recently, please give the name & address of your previous minister.	
Signed: (Parent/guardian)	Date:
<b>CLERGY REFERENCE</b>	
The parents/guardians of the child named above have applied for a place at this school and have your name as a referee. Would you kindly complete this form . Thank you for your help.	

Is your church Anglican? Yes  No

If no, is your church either a full or associate member of the Churches Together in Britain and Ireland or the Evangelical Alliance? - Full member/associate member

*The section below should reflect what your policy says e.g.*

Have the family worshipped at your church for 1 year? Yes  No

Do they attend church worship fortnightly? Yes  No

## Model Admission Appeal Form 1

..... C OF E SCHOOL	
ADMISSION APPEAL FORM	
Surname of child:	Other name(s):
Date of birth:	
Name of parent(s)/guardian(s)	
Home Address:	
Home telephone:	Daytime telephone (if different):
Child's current school (if applicable):	
I wish to appeal against the governors' decision not to offer my child a place:	
I wish to attend the appeal in person: Yes <input type="checkbox"/> No <input type="checkbox"/> (Tick appropriate box)	
I wish to be represented at the appeal: Yes <input type="checkbox"/> No <input type="checkbox"/> (Tick appropriate box)	
If you wish to be represented, please give details:	
Name of representative:	Occupation of representative:
Address of representative:	Telephone No:
If you have other children, please give details below:	
Name:	Age: School attended:
My reasons for appealing are as follows: (Please attach additional sheets, if necessary.)	
Signed: _____ Date: _____	
This form must be returned to the Clerk to the Admission Appeal panel, <i>(give name of clerk, address or care of the school)</i> by 12.00 hours on .....	

## Model Admission Appeal Form 2 – Infant Classes Only

..... C OF E SCHOOL	
ADMISSION APPEAL FORM	
Surname of child:	Other name(s):
Date of birth:	
Name of parent(s)/guardian(s)	
Home Address:	
Home telephone:	Daytime telephone (if different):
Child's current school (if applicable):	
I wish to appeal against the governors' decision not to offer my child a place:	
I wish to attend the appeal in person: Yes <input type="checkbox"/> No <input type="checkbox"/> (Tick appropriate box)	
I wish to be represented at the appeal: Yes <input type="checkbox"/> No <input type="checkbox"/> (Tick appropriate box)	
If you wish to be represented, please give details:	
Name of representative:	Occupation of representative:
Address of representative:	Telephone No:
If you have other children, please give details below:	
Name:	Age: School attended:
My reasons for appealing are as follows: (Please attach additional sheets, if necessary.) In considering an appeal the panel will first decide whether the school's published admission criteria have been correctly applied. They will then consider the two reasons for appeal for infant classes:	
a) That the Governing Body's decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case. Please explain below:	
b) The Governing Body has not properly implemented the admission arrangements which are published in the school's prospectus, and your child would have been offered a place if the Governing Body had done so. Please explain why you think this:	
Signed:	Date:
This form must be returned to the Clerk to the Admission Appeal panel, (give name of clerk, address or care of the school) by 12.00 hours on .....	

## Annex 10

### ADMISSION MODEL LETTERS

#### LETTER INFORMING PARENTS OF REASONS FOR DECISION NOT TO ADMIT TO AN INFANT CLASS (AFTER LOCAL AUTHORITY CO-ORDINATION)

Dear (Name)

ADMISSION TO (NAME OF SCHOOL) - SCHOOL YEAR (.....)

Thank you for contacting the School regarding the Governors' decision not to offer your child a place. As you will be aware from the letter you received from the local authority, the Governors were unable to offer (name of child) a place at the School, because the School was oversubscribed. Your application was considered very carefully by the Governing Body's Admission Committee in accordance with the admissions policy and the statutory provisions which apply, and the detailed reasons for our decision are set out below.

The published admission number for the reception class is (N). The Governing Body received (X) applications and the School is therefore oversubscribed. Your application was considered on the basis that you satisfied admission criterion (C).

The Governing Body admitted (N) pupils to the School according to its admission policy. This year (X) children satisfied criterion (A), (Y) children satisfied criterion (B), (etc, details should be included of the number of children who satisfied each of the admission criteria including that which the particular child satisfied).

The Governing Body is bound by law to ensure that infant classes (ie, classes for 5, 6 or 7 year olds) do not exceed 30 children in any class with one teacher. If additional children were to be admitted, the Governing Body would be required to take action in order to comply with the legal class size limit of 30. This would include employing an extra teacher, building a new classroom and/or grouping children into mixed age classes. The Governors decided that no such measures could reasonably be taken because of the detrimental consequences to the efficient provision of education and use of resources.

You have the right to appeal against this decision. However, you should be aware that because you have applied for a place in an infant class, an appeal panel can only overturn the Governing Body's decision in very limited circumstances. The appeal panel will consider whether:

- (a) the admission of another child would take the number of children over 30 per class;
- (b) the admission arrangements were unlawful or not in accordance with the School Admissions Code, or a mistake was made in not offering your child a place, and that you would have been offered a place if the arrangements had been lawful and applied correctly and impartially to your application; or
- (c) it was unreasonable to refuse your application.

In infant class appeals "unreasonable" has a very narrow meaning; for an appeal to be successful under (d) above, the appeal panel must be satisfied that the decision to refuse admission was perverse in the light of the School's admission arrangements, ie, beyond the range of responses open to a reasonable decision-maker, or a decision which is illogical or immoral.

If you have evidence that any of these circumstances apply and you wish to appeal on those grounds you should obtain an appeal form from the school. Any appeal must be in writing and must reach the Clerk to the Appeals Panel (c/o the School) no later than (date). You may bring a friend to the hearing, or be represented.

This must be a minimum of 20 school days from the date of the letter.

Yours sincerely

Clerk to the Admission Committee



**LETTER INFORMING PARENTS OF REASONS FOR DECISION NOT TO ADMIT (OTHER THAN TO AN INFANT CLASS) AFTER LOCAL AUTHORITY CO-ORDINATION**

(Date)

Dear (Name)

ADMISSION TO (NAME OF SCHOOL) - SCHOOL YEAR (.....)

Thank you for contacting the School regarding the Governors' decision not to offer your child a place. As you will be aware from the letter you received from the local authority, the Governors were unable to offer (name of child) a place at the School. Your application was considered very carefully by the Governing Body's Admission Committee in accordance with the admissions arrangements and the detailed reasons for our decision are set out below.

The published admission number for the year group is (N). The Governing Body received (X) applications and the School is therefore oversubscribed. Your application was considered on the basis that you satisfied admission criterion (c).

The Governing Body admitted (N) pupils to the School according to its admission policy. This year (X) children satisfied criterion (A), (Y) children satisfied criterion (B), (etc, details should be included of the number of children who satisfied each of the admission criteria including that which the particular child satisfied).

You have the right to appeal against this decision. Any such appeal should be made using the School's appeal form (available from the School Office) and should be addressed to the Clerk to the Appeals

Panel, (address, or care of the school). The appeal should be made in writing, setting out the grounds for your appeal and should reach the Clerk by no later than (date).

This must be a minimum of 20 school days from the date of the letter.

You may bring a friend or adviser to the hearing, or be represented.

Yours sincerely

Clerk to the Admission Committee

## Annex 11

### ADMISSION APPEAL MODEL LETTERS

#### 1 APPEAL DENIED – INFANT CLASS SIZE

NB: This letter assumes that the appeal is unsuccessful at Stage 1 of the appeal process (see SAAC, section 4)

Dear (Name)

ADMISSION APPEAL HEARING - (NAME OF SCHOOL)

Thank you for attending the meeting on (date) arranged to consider your appeal against the Governors' decision not to admit your son/daughter to .....C of E School. The Panel found it helpful that you were able to attend, but I am sorry to inform you that the Appeal Panel decided not to allow your appeal.

The Panel considered very carefully the case made both by ..... on behalf of the Governors and yourself and the written information submitted by both parties. The reasons for the decision are set out below.

As you know, the reception class in the School is oversubscribed for entry in (date) and the Governing Body is required by law not to exceed 30 pupils in an infant class. The Panel was satisfied that the Governors had made their case in respect of "infant class size prejudice". This means that if extra children were to be admitted to the School, the Governors would have to take steps to comply with the legal limit, (refer here to any specific arguments used by the governors, for example, either by employing another teacher, providing an extra classroom or teaching children in mixed age classes). The Panel was satisfied that this was not a practical possibility for the School.

The Panel does have power to uphold your appeal despite the prejudice to the School described above, if members find that any of the following apply:

- (a) that your child would have been offered a place if the governors had complied with the mandatory requirements of the School Admission Code and part 3 of the School Standards & Framework Act 1998; or
- (b) that your child would have been offered a place if the admission arrangements had been correctly and impartially implemented; or
- (c) that the decision made by the Governors was not one which a reasonable admission authority would have made.

The Panel considered first whether the Governors' admission arrangements complied with the mandatory provisions of the School Admission Code and part 3 of the School Standards & Framework Act 1998 and found that none of the admission criteria were prohibited under the Code, nor was there any evidence of non-compliance with the Code. The Panel then considered whether your application had been considered impartially and under the correct admission criterion. The Governors' case showed the number of applicants that were admitted under each criterion and it was clear that no applicants were admitted under the criterion which you fulfilled\*. The Panel considered very carefully the points you raised at the meeting (refer here to any specific issues raised by the appellant and record any relevant findings of fact reached by the panel), but concluded that the Governors had acted correctly and impartially in applying their admission criteria to your application.

The Panel went on to consider whether the Governors had acted reasonably. The Panel concluded that the Governors' decision was reasonable given the information which was supplied with your application.

You supplied no additional evidence (or if any was supplied, describe it and any associated findings of fact by the panel) and the Panel concluded that the Governors had acted reasonably in the circumstances of your case, therefore, the Panel is unable to uphold your appeal.

This decision is final and binding on you and the Governors and I appreciate that it will be a disappointment to you. If you wish to discuss arrangements for your child's future education, you should contact (name/address/telephone number of appropriate LA department.). A copy of this letter has been sent to the Governing Body and the Local Authority to inform them of this decision.

I hope that satisfactory arrangements can soon be made for your son/daughter's future education.

Yours sincerely  
Clerk to the Admission Appeal Panel

cc Chair of Admission Committee

Local Authority

\* Where some applicants were admitted under the criterion fulfilled by the applicant, state how many and if distance was the tie-breaker, state the distance of the last applicant admitted and make reference to the distance the appellant lived from the school.

## 2 APPEAL DENIED - INSUFFICIENT GROUNDS

(NO INFANT CLASS SIZE ISSUE)

(Date)

Dear (Name)

ADMISSION APPEAL HEARING - (NAME OF SCHOOL)

Thank you for attending the meeting on (date) arranged to consider your appeal against the Governors' decision not to admit your son/daughter to ..... C of E School. The panel found it helpful that you were able to attend, but I am sorry to inform you that the Appeal Panel decided not to allow your appeal.

The Panel considered very carefully the case made both by ..... on behalf of the Governors and yourself and the written information submitted by both parties. Our decision was taken in two stages and the reasons for the decision are set out below.

During the first stage, the Panel considered whether the Governors admission arrangements complied with the mandatory provisions of the School Admission Code and part 3 of the School Standards & Framework Act 1998 and that your application was considered under the correct criterion. It also considered whether prejudice would arise if your child were to be admitted. The Panel was satisfied that the admission arrangements complied with the mandatory requirements of the Code and that the Governors had applied their admission criteria correctly and impartially to your application. Your child was considered under criterion "X" and you agreed that this was correct. The Governors stated that all the available places were taken up by children who fulfilled a higher criterion than your child and no children were admitted under the criterion which applied to your application. (OR the Governors stated that all the available places were taken up by children who had higher priority for a place, although "X" children were admitted under criterion (e) they all lived closer to the school.) The Panel went on to consider the case put forward on behalf of the Governors, that admission above the (number)-place limit agreed with the Local Authority would prejudice the provision of efficient education and efficient use of resources at the School and was satisfied that this was the case for the following reasons.

- (a) the additional burden that would be placed on teachers by having more than 30 pupils in the class, given the record-keeping requirements for each child;\*
- (b) the difficulties that would be caused to classroom organisation and movement of children around the classroom;\*
- (c) the health and safety implications for pupils and staff\*.

The Panel also considered whether, in their view, your grounds for appeal were sufficient to outweigh such prejudice. (Make reference here to the parent's case and any relevant findings of fact reached by the panel.) Overall, the Panel felt that the Governors' reasons for not offering (name of child) a place were stronger. The Panel therefore decided not to allow the appeal.

This decision is final and binding on all parties and I appreciate that it will be a disappointment to you. If you wish to discuss arrangements for your child's future education, you should contact (name/address/telephone number of appropriate LA department.) A copy of this letter has been sent to the Governors and the Local Authority to inform them of this decision.

I hope that satisfactory arrangements can soon be made for your son/daughter's future education.

Yours sincerely

Clerk to the Admission Appeal Panel

cc Chair of Admission Committee

Local Authority

\* These are given as guidance only; the reasons will vary according to the circumstances of the school.

3 APPEAL UPHELD - ADMISSION CRITERIA FULFILLED - POLICY INCORRECTLY APPLIED BY GOVERNORS

(Date)

Dear (Name)

ADMISSION APPEAL HEARING - (NAME OF SCHOOL)

Thank you for attending the meeting on (date) arranged to consider your appeal against the Governing Body's decision not to admit your son/daughter to .....School. I write to inform you of the decision of the Appeal Panel.

The Panel decided to uphold your appeal and direct the Governors to offer (name of child) a place at the School. The Panel considered whether the Governors' admission arrangements complied with the mandatory provisions of the School Admission Code and part 3 of the School Standards & Framework Act 1998 and found that none of the admission criteria were prohibited under the Code, nor was there any evidence of non-compliance with the Code. The Panel also considered the Governors' admission criteria as they applied to your case and the evidence put forward on behalf of the Governors, that admission above the (number)-place limit agreed with the local authority would prejudice the provision of efficient education and efficient use of resources.

The Panel went on to consider the evidence which you presented (concerning your family's involvement in the life of your Church)\*. Members of the Panel concluded that your family fulfilled criterion (X) for the following reasons ..... and that in your case the admission criteria had been incorrectly applied by the Governors and that you would have been offered a place had this not been the case. I am pleased to inform you therefore that your appeal has been successful.

This decision is final and binding on all parties and a copy of this letter has been sent to the governors and the Local Authority to inform them of this decision.

Yours sincerely

Clerk to the Admission Appeal Panel  
cc Chair of Admission Committee  
Local Authority

\* Insert sentence appropriate to individual case.

## Annex 12

### Further Reading and References

#### Church of England

National Guidance on Admissions to Church of England Schools available on [www.nat.soc](http://www.nat.soc)

#### Local Authorities

Individual LA's issue guidance and information notes and circulars, check their websites

Individual Admission Forums (for each LA in London) will issue advice and guidance

Details of primary and secondary co-ordinated arrangements for each LA

#### General

School Admissions Code, February 2012, DFE

School Admission Appeals Code, February 2012, DFE

The School Admissions(Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, Statutory Instrument 2012 No 8.

The School Admissions (Appeals Arrangements) (England) Regulations 2012, Statutory Instrument 2012 No 9

The School Admissions (Infant Class Sizes) (England) Regulations 2012, Statutory Instrument 2012 No 10

The School Finance (England) Regulations 2006, Statutory Instrument 2006 No 468

Code of Practice: School Admissions Code, 2007, DfES.

Code of Practice: School Admission Appeals, 2003, DfES.

The Education Act 1996

The School Standards and Framework Act 1998

The Education Act 2002

The Education Act 2005

The Education and Inspections Act 2006

#### Special educational needs and discrimination

SEN and Disability Discrimination Act 2001

The Education Act 1996, Schedule 27, HMSO.

Special Educational Needs Code of Practice, DfES, 2001.

Inclusive Schooling – Children with Special Educational Needs, DfES 0774/2001

Sex Discrimination Act 1975

Race Relations Act 1976 (and as amended by the Race Relations (Amendment) Act 2000

Commission for Racial Equality's Code of Practice

Human Rights Act 1998

Disability Discrimination Act 1995 (and as amended by Special Educational Needs and Disability Act 2001)

Code of Practice on the Identification of Special Educational Needs

Equality and Human Rights Commission guidance for Schools

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/education-providers/schools-guidance>

HMSO Statutory Instruments are available at [www.hmso.gov.uk](http://www.hmso.gov.uk)

DfE Circulars and publications are available at

<https://www.gov.uk/government/organisations/department-for-education>

Office of the Schools Adjudicator

<https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>