

Bromley Information and Guidance for Consultation on Admission Arrangements 2021/2022

This information and guidance has been prepared to assist schools with the mandatory requirements of all consultations on admission arrangements. These mandatory requirements are marked as **must in red**. In December 2013 the Government made amendments to the Admissions Code relating to the consultation process for admission arrangements. The following guidance is in line with these statutory amendments and **must** be taken into account when governing bodies consider the arrangements for 2021/22 academic year.

Admission arrangements for Academies (including Free Schools):

Admission arrangements for all academies are approved by the Secretary of State as part of an Academy's funding agreement which requires compliance with admissions legislation and relevant Codes. An Academy is required to consult in the same way as other admission authorities.

Mandatory requirements for Admission Arrangements

The LA will monitor compliance with the following requirements for all Bromley schools

How admission arrangements work

In summary, the arrangements operate as follows:

- a) All schools **must** have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. These **must** be set in line with guidance issued in the Admission Code.
- b) Admission authorities **must** set ('determine') admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on those arrangements, except where the change is an increase in the schools admission number. If no changes are made to admission arrangements, they **must** consult at least every 7 years. Consultation on changes **must** last for a minimum of 6 weeks and must take place between 1 October and 31 January in the determination year. The 'determination year' is the year before those arrangements are to apply.

For example: for arrangements which are to apply for entry in September 2021, consultation **must** be completed by 31st January 2020. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.

- c) There is no requirement on an individual admissions authority (Academy; Foundation and Voluntary Aided) to consult on a proposed increase to their PAN. Where the admissions arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement

that admission authorities **must** consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period. However, schools must advise this Local Authority (LA) of any change to their PAN.

All Admission authorities must consult with:

1. parents of children between the ages of two and eighteen [this can be covered by placing an advert in the local paper].
2. place a copy of the proposed admission arrangements on the school website
3. parents of pupils currently attending the relevant school [e.g. through pupil mail]
4. Home Local Authority (Bromley)
5. other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
6. all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
7. any adjoining neighbouring local authorities where the admission authority is the local authority; and
8. in the case of faith schools, the body representing the religion or religious denomination.

1. Additionally the following organisations/bodies must be consulted:

a) The Local Authority must consult for Community and Voluntary Controlled Schools:-

- Governing Bodies of Community and Voluntary Controlled Schools
- Neighbouring LA's
- All Academies; VA and Foundation Governing Bodies in its area

b) Church of England Voluntary Aided Governing Bodies must consult:-

- The Diocesan Board before consulting anyone else
- The LA
- Any other LA within 5 miles of a secondary school or 2 miles if a primary school
- Governing Bodies of all maintained schools in Bromley (primary schools need only consult with other primary schools, secondary schools **must** consult primary and secondary schools)

c) Roman Catholic Voluntary Aided Governing Bodies must consult:-

- the body or person representing their religion or religious denomination.
- The LA
- Any other LA within 5 miles of a secondary school or 2 miles if a primary school
- Governing Bodies of all maintained schools in Bromley, Academy; Foundation, VA and community. Primary schools need only consult with

other primary schools, secondary schools must consult primary and secondary schools.

d) Foundation Governing Bodies **must consult:-**

- The LA
- Any other LA within 5 miles of a secondary school or 2 miles if a primary school
- Governing Bodies of all maintained schools in Bromley, Academy; Foundation, VA and community. Primary schools need only consult with other primary schools, secondary schools **must** consult primary and secondary schools.

e) Academies (including Free Schools) **must consult:-**

- The LA
- Any other LA within 5 miles of a secondary school or 2 miles if a primary school Governing Bodies of all maintained schools in Bromley, Academy; Foundation, VA and community. Primary schools need only consult with other primary schools, secondary schools **must** consult primary and secondary schools.
- If you are a multi-academy Trust, the local governing bodies (or if there is no local governing body, the advisory body) of any academies within the Trust located in the relevant area;

For the duration of the consultation period, the admissions authority **must** publish a copy of their full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admissions authority to whom comments may be sent and the areas on which comments are not sought. Admissions authorities **must** also send upon request a copy of the proposed admissions arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively will deem the admission arrangements non-compliant with the Code which may be grounds for subsequent complaints and appeals.

Determination

All admissions authorities **must** determine admission arrangements by 28th February every year, even if they have not changed from previous years and a consultation has not been required. This means that the governing body **must** meet and minute the determination.

Publication

Once determined, admission arrangements **must** be published on the school website by 15th March, and **must** be displayed for the whole year to which they apply (therefore, the 2021 arrangements would be published from at least 15 March 2020 until the end of the 2021/22 school year). You **must** also send a copy of your full, determined arrangements to the LA as soon as possible and before 15th March 2020.

You **must** also notify the bodies listed above at 1 to 6 and the governing bodies of community and voluntary controlled schools in the area of the arrangements. Admission authorities for faith schools **must** also send a copy of their arrangements to the body or person representing their religion or religious denomination.

Changes to PAN (Published Admission Number)

Individual admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN. For a community or voluntary controlled school, the local authority (as the admissions authority) **must** consult at least the governing body of the school where it proposes either to increase or keep the same PAN. All admissions authorities **must** consult where they propose a decrease to the PAN. Where an admission authority has determined a PAN that is higher than in previous years, they **must** notify the local authority that they have done so, in part so that the local authority can include any additional places within co-ordinated admissions arrangements, and make specific reference to the change on their website.

If, at any time following determination of the PAN, an admission authority decides that it is able to admit above its PAN, it **must** notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively. Admission authorities may also admit above their PAN in-year. Any admissions above the PAN as set out in the previous sentence will not constitute an increase to the PAN. However, primary and Infant schools **must** be aware of class size regulations for key stage one where classes **must** not be more than 30.

Medical and Social

Bromley Local Authority has included the following criterion for admission to Community and Voluntary Controlled Primary Schools. The majority of Governing Bodies of all Primary phase Academies; Voluntary Aided; Free Schools and Foundation Schools in Bromley already include this as a criterion. Those who have not included this are requested to agree to consult on the addition of the following criterion within their published admission arrangements to take effect from September 2021.

“In exceptional circumstances there is discretion to admit children on the grounds of their or their family’s acute medical or social need for that particular school and who would not otherwise qualify for admission. The application **must** be supported by a letter from a hospital consultant, the special support service, social worker or similar professional, setting out the reasons why the school is the only one to meet the child’s needs, before an admission decision is made. The admission decision will be considered in consultation with teaching and medical professionals. Medical professionals provide advice on applications made under medical conditions and teaching professionals advise on applications made for social or special reasons. Supporting evidence **must** be provided before the closing date for applications”.

Important Information relating to Children out of normal year group including Summer Born

The following **must** be included in all Admission Arrangements to ensure you meet the consultation requirements of the Code.

All Admission Authorities

Admission of Children outside of their normal age group.

Parents may seek a place for their child outside of their normal age group, for example, if the child has experienced problems such as ill health.

The School/Academy/Trust will consider applications outside of the child's normal age group on an individual basis taking into account any information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. Parents wishing to apply for a place outside of the normal age group should contact the Head teacher in writing in the first instance.

Infant and Primary Schools only:

Summer born children (deferring entry to Reception until September 2022)

The term "summer born children" relates to all children born from 1 April to 31 August. These children reach compulsory school age on 31 August following their fifth birthday (or on their fifth birthday if it falls on 31 August).

Parents of "summer born children" may decide that they want to delay their child starting school until the September after the child has reached compulsory school age (CSA) into Reception Year instead of Year 1. There is, however, no automatic right to this.

Suggested Inclusion

Admission of Summer Born Children outside of their Normal Age Range

Parents of summer born children may request that their child is admitted the following year outside of his or her normal age range into Reception Year instead of Year 1, however there is no automatic right to this. Any place already achieved for the child in Reception Year in the usual way cannot be deferred (i.e. held for that child) for the duration of that school year, and if deferral is agreed parents will need to re-apply for admission the following year.

The school/academy will make a decision, having taken into account the circumstances of each case, together with the opinion of the Head teacher. Where the request is agreed by the academy, the application will be considered with all other applications in the usual way, applying the oversubscription criteria as necessary.

The timetable for 2019/2020 - these dates **must be met where consultation is to be undertaken**

- **Between 1 October 2019 and 31 January 2020** Schools **must** consult for a minimum period of 6 weeks. To meet this requirement a school consultation will need to start before 21st December 2019.
- **31 January 2020** minimum 6 week consultation period **must** be completed
- **Between 1 February and 28th February 2020** After the consultation period has finished admission authorities **must** consider any comments or objections before determining admission arrangements.
- All admissions authorities **must** determine admission arrangements by **28th February 2020**, even if they have not changed from previous years and a consultation has not been required. This means that the governing body **must** meet and minute the determination
- **Between 1 March and 15 March 2020** Admission Authorities **must** notify the determined arrangements to relevant consultees as detailed above. All schools **must** determine their arrangements even if they have not made any changes.

2) What must be consulted on?

Admission authorities (if required to consult), **must** consult on the full details of the admission arrangements they propose to determine which **must** be consistent with the co-ordinated scheme operating in the area for that year and should include:

- a) **Oversubscription criteria** - The admission authority for the school **must** set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied. All children whose Education Health and Care Plan (EHC) or names the school **must** be admitted.
- b) All schools **must** have oversubscription criteria for each relevant age group. A relevant age group to which children are normally admitted i.e. Reception; yr3 admittance for Junior Schools; year 7 for Secondary Transfer and yr12 (sixth form). Each relevant age group **must** have admission arrangements, including an admission number and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and previously looked after children who are now known as Children Looked After (CLA).

A 'child looked after' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

This includes children who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children's Act 2002 (see section 46 adoption orders).

'child looked after (CLA) ' definition:

- a) CLA is a child who is (a) in the care of a local authority, or being provided with accommodation by a local authority in the exercise of their social services functions. These children **must** still be "CLA" when the child starts school unless (b) applies.
- b) or a child who was previously looked after by an English or Welsh local Authority, and immediately after being looked after became subject to an adoption, residence, or special guardianship order. This includes children who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children's Act 2002.

3. Admission Arrangements

In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. They **must not**:

- place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements;
- take into account any previous schools attended, unless it is a named feeder school;
- give extra priority to children whose parents rank preferred schools in a particular order, including "first preference first" arrangements;
- introduce any new selection by ability
- give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority;
- give priority to children according to the occupational, marital, financial or educational status of parents applying (though children of staff at the school may be prioritised in arrangements);
- take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement, or that of any other children in the family;
- discriminate against or disadvantage disabled children or those with special educational needs;

- prioritise children on the basis of their own or their parents' past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination);
- in designated grammar schools that rank all children according to a pre-determined pass mark and then allocate places to those who score highest, give priority to siblings of current or former pupils
- interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place.
- request financial contributions (either in the form of voluntary contributions, donations or deposits (even if refundable)) as any part of the admissions process – including for tests; or
- request photographs of a child for any part of the admissions process, other than as proof of identity when sitting a selection test.

The Admission Code does not give a definitive list of acceptable oversubscription criteria. However, section 1.8 of the Admission Code states that oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation.

It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances. Set out below are the most common, but please note these are not mandatory.

Siblings at the school

Sibling criterion is not mandatory but Admission authorities **must** state clearly in their arrangements what they mean by “sibling” (e.g. whether this includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who are former pupils of the school). The LA publish the following:

“Sibling refers to brother or sister, half brother or sister, adopted brother or sister, step brother or sister, or the child of the parent/carer’s partner, and in every case, the child **must** be registered as living in the same family unit at the same address. The elder sibling **must** still be on roll at the school when the younger child starts school”.

Distance from the school

Admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the “home” address will be determined and the point in the school from which all distances are measured.

A recent Adjudicator objection was raised against a Bromley school about lack of clarity regarding how the distance to school is calculated. As the LA calculate all

the measurements it is suggested the following description is included in your arrangements. As this is a description and not a change this will not require consultation:

Distance will be measured (in a straight line) from the unique national grid reference (Easting and Northing) of the child's home address (including flats) to the main entrance of the school building, using the Local Authority's computerised measuring system that identifies the unique national grid reference for the property. Those living closer to the school receiving higher priority. The furthest distance reached is checked to confirm it is unique. Where the next applicant measures the same the system will go to further decimal places within a measurement to qualify who is nearer. Where applications are received from flats that have the same "easting and northing" measurements, places will be allocated by door number; the lower the number the higher the priority. If there are two identical distance measurements for different addresses of separate applicants, the tiebreak will be done by drawing lots.

The following statement can be included to further define the arrangements especially in cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent:

"Home" being where the child normally resides as their only or principal residence. Addresses involved in child minding (professional or relatives) will not be considered. Parents will be asked to provide documentary evidence to confirm an address and parental responsibility. Change of parental responsibility, unless exceptional circumstances through a court order, will not be accepted during the co-ordinated admission process.

Change of Address

It is expected that the applicant and pupil will still be resident at the same address when the child starts school. Evidence may be required to confirm the applicant is still living at the application address on National Offer Day and when starting at the offered school. Places may be withdrawn if address details do not match the information given on the application. Changes of address after offers have been made will be investigated and applications will be reconsidered on the basis of the new home address. If the offer was made under the proximity criterion and the new address falls outside of the offered distance of a school with a waiting list, the offer may be rescinded. Also there has been an increase in the numbers of applicants moving to a temporary address to gain advantage at their preferred school and returning to their previous address once the place has been secured, thereby denying offers to rightful applicants. For that reason, the London Borough of Bromley's policy, agreed with head teachers, is that applicants who retain ownership of a previous address cannot use a temporary address for applications.

Feeder Schools

Some schools give priority to siblings of pupils attending another state funded school with which they have close links (for example, schools on the same site,

i.e. Infant to Junior). Where this is the case, this priority **must** be set out clearly in the arrangements.

Social and medical need

If admission authorities decide to use social and medical need as an oversubscription criterion, they **must** set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter from a doctor or social worker) and then make consistent decisions based on the evidence provided.

Selection by ability or aptitude

All selective schools **must** publish the entry requirements for a selective place and the process for such selection.

Children of staff at the school

Admission authorities may give priority in their oversubscription criteria to children of staff but can only be in either or both of the following circumstances:

- where the member of staff has been employed at the relevant school (and not part of a multi academy group) for two or more years at the time at which the application for admission to the school is made, and/or
- the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.

Please note: DfE advise that children of staff only relates to the relevant school and NOT across the trust.

4. Waiting lists

Each admission authority **must** maintain a waiting list for at least one term in the academic year of admission. Schools **must** include the fact it will do this in their school's published admission arrangements, making clear that children will be ranked in the same order as the published oversubscription criteria.

Where schools do not intend to maintain a waiting list for age groups outside of the main admission years (i.e. Reception, yr3 for Junior Schools and yr7) they **must** publish how applications will be considered. They **must** still apply their oversubscription criteria and tie break as published in the published admissions policy. It cannot apply subjective considerations such as a child's 'need' for a place – this would breach the requirement in paragraph 14 of the Code for an admission policy to be clear, fair and easily understood by parents.

5. Children with an Education, Health and Care Plan

Children with an Education, Health and Care Plan (EHC) are dealt with under a separate process by the Special Educational Needs team.

Appeals for Children with an Education, Health and Care Plan (EHC) are dealt with by a SEN Tribunal.

Such Pupils should not be included in the admission arrangements or over subscription criteria but the School Standards and framework act 1998 states that schools **must** take into account the EHC pupil number when setting their admission number. Therefore to avoid any challenge in the future, it is recommended that the following statement should be included in the Admissions arrangements for all schools.

Children with an Education, Health and Care Plan (EHC) are dealt with under a separate process by the Special Educational Needs team. The published admission number of all Bromley schools is inclusive of students with an Education, Health and Care Plan (EHC) that are admitted to the school pursuant to the school being named in their EHC plan.

In addition all admission authorities are required to include the following mandatory statement in a school admission arrangements, again this is to protect schools from any challenge especially at appeal:

Children directed via the Fair Access Protocol will take precedence over any child already on the school waiting list, and this includes admitting children over the published admission number.

6. 6th Form Arrangements

There have been recent cases that have been highlighted by the Schools Adjudicator Office and the following **must** be included in your arrangements.

Suggested Inclusion for Secondary Schools

Admission to Year 12

The capacity for Year 12 students is [] places. Places will be automatically offered to current students who wish to continue to 6th form, who meet the general Sixth Form entry requirements of at least [] at GCSE; these students do not need to complete an application form.

The PAN is ?. There will be a minimum of [] places available for external candidates.

When current students take up places elsewhere or do not meet the academic standard required for entry to A level courses, additional places will be offered to external candidates up to the Year 12 capacity of in accordance with the required general Sixth Form entry requirements of at least [] at GCSE.

In order to achieve entry into our Sixth Form, both internal and external students **must** meet the general entry requirements of [] at GCSE and in addition the required entry criteria for each of the courses they wish to study in the Sixth Form. In most cases this will be at least a [] in their chosen subjects. Please see the

Sixth Form Prospectus for entry criteria for individual courses. Students studying other qualifications should contact the school for guidance.

In the event of over-subscription, the criteria set out above at (admission criteria for Year 7) will apply.

Students and their parents have a statutory right of appeal against the decision to refuse them admission to the Sixth Form. Those wishing to appeal should register their intention to do so, by sending a letter addressed to the School c/o The Clerk to the Independent Appeals Panel within 30 days of the GCSE results day.

Allocating places

Admission authorities **must** allocate places on the basis of their determined admission arrangements only, and a decision to offer or refuse admission **must** not be made by one individual in an admission authority. Where the school is its own admission authority the whole governing body, or an admissions committee established by the governing body, **must** make such decisions.

7. Objections to Admission Arrangements

Anyone may object to a school's admission arrangements. The 'objection period' runs until **15 May 2020**. Objections are made directly to the Schools Adjudicator, with objectors setting out their arguments against the proposed changes. The Adjudicator has discretion to consider late objections.

Objections can be made to most aspects of the school's admission arrangements but no objections can be made to an increase in admission number or where it remains the same, nor to any derogation from the Code agreed between an Academy Trust and the Secretary of State which is written into an academy or free school's funding agreement.

Please do not hesitate to contact me if you require further information or clarification.

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