



Department  
for Education

# **Free school admissions: common issues**

**Mainstream admissions**

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## Introduction: understanding Admissions

This document helps you work through some specific issues you may require additional advice upon in drafting and applying your admission policies. Guidance on [this site](#) more generally will help those new to the process get 'up and running' but those persons within the Trust responsible for admissions must quickly become fully conversant with the requirements of the [School Admissions Code](#) and the [School Admission Appeals Code](#). Free school funding agreements require them to comply with these Codes.

# Administering applications

## Firming up offers

1. A free school becomes an admission authority once its funding agreement is signed and sealed. As soon as this happens it should firm up any offers, offer appeals to those refused a place, and inform the local authority.

## Obtaining information from parents in order to administer admissions

2. You should only ask parents for information that is required to apply your oversubscription criteria, and you **must not** ask for any information listed in paragraph 2.4 of the [School Admissions Code](#).

3. In addition to basic personnel details about their child (for example, name, address and date of birth), you can ask for proof of address, but only if that is relevant to the application of your oversubscription criteria.

4. Once parents have been offered a place for their child, you can also ask for proof of birth date, but you must not ask for a 'long' birth certificate or any other documents which would include information about the parents.

## Oversubscription criteria

### Guaranteeing places for children from the same family

5. It is not possible to guarantee places, but it is possible to formulate your admissions policy in a way that ensures that in the vast majority of cases, children from same family, whether in the same year group, or applying in different years, are all admitted.

6. In the case of children of multiple births you can choose to admit all the children of that multiple birth when they apply at the same time even if to do so would mean exceeding your admission number. You should make this approach clear in your admission arrangements. You can do this even if it means exceeding infant class size limits (See 2.15 of the School Admissions Code). In the case of young children, we would *strongly encourage* you to do so.

7. It is also possible – and many schools choose – to prioritise siblings of children already attending the school in their admissions criteria. (This is set out in paragraphs 1.11-1.12 of the School Admissions Code). It is less usual for schools to prioritise siblings of pupils who formerly attended the school, but again, it is possible to do so. If you choose to do this you must provide a clear and simple definition of ‘sibling’, for example, setting out whether this includes step-siblings, children living in the same house who are not ‘blood’ relatives and if appropriate, ‘former pupils’.

### The Pupil Premium and Service Premium and how they are relevant to admissions policies

8. The Pupil Premium is additional funding provided to schools to support disadvantaged pupils in reaching their potential and helping schools reduce educational inequalities. The Service Premium is designed to support children with parents serving in the regular British armed forces. Schools receive the Pupil or Service Premium for each pupil:

- 8.1. Who is registered as eligible for free school meals (or eligible to be registered, for reception admissions)
- 8.2. who has been registered as eligible for free school meals (FSM) at any point in the last six years;
- 8.3. who has been looked after in public care continuously for at least six months;
- 8.4. who is a child of a parent who is serving in the regular UK armed forces or was serving in the past 3 years

8.5. who is in receipt of a pension under the Armed Forces Compensation Scheme (AFCS) and the War Pensions Scheme (WPS) because their parent(s) died on active service with the UK armed forces.

9. The Government is keen that every school seeks to tackle the particular educational disadvantages faced by children eligible for the Pupil Premium, and to support the children of military families, school may therefore choose to prioritise children eligible for the Pupil and Service Premiums as an oversubscription criteria. It is possible to prioritise by all the categories in 9.1-9.5 equally, or to prioritise based on one or more of the categories.

10. [Universal infant free school meals](#) are provided to children in infant classes. That means that schools admitting to reception, year 1 or year 2 which prioritise FSM children will have to frame their oversubscription criterion carefully in order to comply with the School Admissions Code. The Code permits schools to prioritise pupils eligible for the Pupil Premium. Not all children receiving universal infant free school meals are eligible for the Pupil Premium. Pupils who are eligible to be registered for free school meals (or registered as eligible) because their parents are on a combined annual income of less than £16,190 or because they fall into one of the categories set out in the [Free school meals and pupil premium registration form](#).

11. Pages 20-22 of the [Free School Model Admission Policies](#) work through how you can write such a criterion into your policy. As do the model admissions policies in the document.

## **Allocating places to the children of service families**

12. School places for children of service personnel are generally allocated in the same way as for other children, but there are steps you should take to ensure that their children are not unfairly disadvantaged when applying for school places as a result of their mobility.

13. In particular, you should adjust your requirements that require proof of address when parents apply for places. Where UK service personnel have a confirmed posting to a new area, you must allocate a place in advance of the actual move, and on the basis of the Unit postal address or quarterly area address rather than require a specific address for an individual family.

14. You can also choose to admit children of UK service personal as exceptions to the infant class size limit if they move outside the normal admissions round.

15. In addition to this, you can choose to prioritise children eligible for Service Premium – children of UK service personnel - as part of your oversubscription criteria.

## Random allocation

16. Random allocation is most commonly used as a tie breaker – to differentiate between two otherwise equal applications - rather than a method to allocate all places. Some schools choose to randomly allocate places to applications from within a defined area, to widen the geographical area from which pupils are drawn and to minimise the likelihood that only children of parents who can afford to buy property near the school will be admitted.

17. If you choose to use random allocation as part of your admissions process, it must be carried out by somebody independent of the school, and you should set this out in your admission arrangements.

18. If using random allocation within your admissions criteria, rather than first applying a distance tie-break or catchment area, you should consider the transport implications of adopting a process which could lead to pupils, obtaining a place who live outside the distance for which your LA will fund transport.

## Setting a catchment area

19. Schools do not have to set a catchment area within their policies but many choose to do so.

20. Catchment areas (also known as designated or priority areas) are used by many schools to prioritise admissions for children who live in that area as part of their oversubscription criteria. Choosing to have a catchment area does not guarantee admission to the school for children who live in the area, but it may increase their likelihood of being admitted.

21. If you decide to have a catchment area, it must be designed in a way that is clear and reasonable. You should ensure that your catchment areas are inclusive and do not unfairly disadvantage pupils living in particular areas, especially if those areas are areas of economic disadvantage.

## Using an LA boundary to define a catchment area

22. The whole of the home LA area should not be used as a catchment. There is case law – known as the Greenwich Judgement – that states that pupils should not be treated less favourably in admissions just because they live outside the home local authority. In practice, this means that a catchment area or areas that align with the home local authority's boundary and lead to those living within the LA having higher priority for admission than those living outside, would be likely to breach the Greenwich Judgement.



## **Options when the school's final location is unclear.**

23. There are a number of options you can consider if you want to draw children from a particular area but you don't know exactly where the school will be located. In most cases, the most appropriate decision will either be to use a nodal point – an appropriately chosen fixed point, such as a station or village hall – and measure distance from there, *or* to design a catchment from the area around the anticipated location of your school and randomly allocate places from within that catchment.

24. Once your site has been finalised, you should review your admission arrangements, and amend them for future years if appropriate, but bear in mind you will need to consult upon any changes as set out in paragraphs 1.42 to 1.49 of the School Admissions Code once you have a signed and sealed funding agreement in place. Also see the admissions timeline on pages 35 to 36 of the Code. Arrangements which apply for September 2015 would need to be determined (see page 11 of the Free Schools Admissions Guidance) as soon as you have your funding agreement in place. Arrangements for September 2016 need to be determined by 15 April 2015.

## **Giving priority to pupils in feeder schools**

25. You can give priority to children attending named feeder schools, as long as that school is a maintained school, free school or an academy. You must have a clear and reasonable rationale for naming a feeder school, and be able to defend it if challenged. We would not expect, for example, you to prioritise children attending a feeder school five miles away – even if it has a similar ethos or is part of the same Academy Trust - if other, closer schools are not also prioritised.

## **Prioritising children in a school's nursery for admission**

26. It is possible to give priority in reception to children attending a nursery but you need to be aware that where the nursery and the reception class have the same, or a similar, number of places, and the majority of children tend to transfer from the nursery to the school, this could breach the Admissions Code, as attendance of the nursery would be a pre-condition of admission to the school. This is set out in paragraph 1.9 a) of the Code.

27. You should also ensure that giving such a priority is fair to local parents who choose not to send their children to nursery. As a rule of thumb, such arrangements are likely to be unfair – and be vulnerable to an objection to the Schools Adjudicator - if very few or no places are available to other parents once those attending the nursery have been admitted to reception. If a majority of places are available to parents who have not sent their children to the nursery, the arrangements are likely to be less vulnerable to objection. Anyone can object to a school's admission arrangements and so it is important that you understand local parents' views on giving priority to nursery children before adopting it as an oversubscription criterion, and keep the policy under review.

28. Fee-paying nurseries cannot be named as a feeder institution, as this would contravene paragraph 1.9 e) of the Code which prohibits giving priority for admission on the basis of any financial support that parents give the school or an associated organisation. It is possible to give priority to those paying fees for their child's nursery provision only where any fee is for additional provision above the 'free' 15-hour funded early education offer;

29. Within any priority given to nursery children schools may prioritise those children attending the nursery who are eligible for the early years pupil premium, the pupil premium or the service premium above other children attending the nursery (paragraph 1.39B of the Code).

## Allocating places to the children of employees.

30. You can give priority in your oversubscription criteria to children of staff as long as:

30.1. the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, or

30.2. the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.

31. While this means that, in most cases, for the first two years of a school's operation, no children will be admitted on this basis you can adopt such a criterion for future years in order to attract staff.

32. Note: This covers all staff at the school, not just teaching staff. It also means 'staff employed to work at the school' rather than any staff of a multi academy trust.

## Faith schools, adopting faith admission criteria.

33. All faith admission criteria must be drafted having had regard to any guidance published by your faith body and in consultation with it. They must comply with all the provisions of the Admissions Code and, if taking into account religious activities (as well as membership), must be drafted 'as laid out by' your religious body, insofar as any such advice complies with the Code (1.9(i)).

34. Faith cannot be assessed by interviews, written tests of knowledge, or based on service to the school or faith body (such as volunteering etc.).

35. If you are a faith-designated free school, you must admit at least 50% of your pupils **without reference to faith** when the school is oversubscribed. This doesn't mean that those children must not be 'of' the faith, but just that you **must not** take into account whether they are of the faith or not when you consider their applications.

36. You should also be clear whether your faith places will be open to children from one particular faith or denomination, or several.

# Application Forms

## When should a school use an application form?

37. You will need to develop an application form whenever you are operating outside of co-ordination, so that will be for all year 12 admissions and may also be for any other admissions in your first year. If you are a faith school or adopt the pupil premium admissions priority<sup>1</sup> you are also likely to need to have a form to identify a child's faith or pupil premium eligibility.

38. Make sure your form is published on your website, and is easy to locate.

## What should be included in a form?

39. You should always request the minimum information necessary to apply your oversubscription criteria. You should consider what information will already be provided by the common application form ('CAF') once you are in co-ordination and only request information needed to apply your oversubscription criteria which can't be obtained from the CAF.

40. Ensure that your form does not request any of the information ruled out by paragraph 2.4 of the [School Admissions Code](#)

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<sup>1</sup> See pages 20-22 of the [Free School Model Admission Policies](#)

## Selection

### Selection by ability

41. You cannot adopt selection by ability as part of your admission arrangements. The School Admissions Code and the Academies Act prevents schools which were not formerly selective maintained schools from adopting any selection by ability. This prohibition also applies to independent fee-paying schools, which may previously have selected their pupils by ability, and which join the state sector as free schools.

42. The exceptions to this are:

42.1. for entry into Year 12, when you can set academic entry requirements, for example, a certain number of GCSEs at particular grades; or

42.2. where you band pupils by ability to ensure a comprehensive intake.

### Selection by aptitude

43. Free Schools that have a specialism in one of the following areas, can admit up to 10% of their pupils by reference to their aptitude in that specialism:

43.1. modern foreign languages;

43.2. performing arts

43.3. visual arts;

43.4. sport;

44. It is not permissible to test for aptitude in other areas.

45. Limiting the proportion to 10% allows the school to develop and embed its specialism whilst acknowledging that the school is there to serve the whole of its community.

46. In testing for aptitude, you must look to determine a pupil's natural talent for a particular subject, and their potential to develop it further. You must not test a pupil's prior learning or ability: whether a pupil has agility and balance tests aptitude for sport; whether a pupil has represented the county at football tests ability.

### Banding: how it is used.

47. Banding is a way of having an intake that reflects the range of abilities of the children applying to your school, or of children in the local authority or country. It can be used only where your school is oversubscribed.

48. If you want to use banding, you need to write the process into your admission arrangements. Schools adopt a set number of ability bands ranging from high to low

ability. All children applying for a place are placed into these ability bands based on their performance in a test or other assessment. Places are then allocated within each band using your oversubscription criteria (e.g. distance, catchment areas, siblings, random allocation). You must not either apply another test of ability once children are allocated to bands or give priority within bands according to a child's performance in the test. Additional guidance on banding is in the [Free School Admissions Models](#).

## Is it good practice to use banding?

49. Banding tends to be more effective in urban, rather than rural, areas where there is often a greater concentration of schools serving a number of children. Banding can help to reduce segregation. However, every local area is different and you will need to decide if banding is likely to have the desired effect in your area.

## How many bands can a school set?

50. As an admission authority, you can decide how many bands your school has and what proportion of children to place in each band, but you must ensure that the bands don't under or over-represent particular levels of ability. Too many bands can also over-complicate your admission policy and render them difficult to understand and apply.

51. You can either have bands which are equally weighted (for example there will be 25% of pupils in each band, if using four bands), or proportionately-weighted bands. If you use this method, you should set bands which are symmetrical either side of the median (for example, if using five bands, the percentage of pupils in each band could be 10 – 20 – 40 – 20 – 10, or 30 – 10 – 20 – 10 – 30.)

## What would happen if one of the bands was undersubscribed?

52. This will only normally occur when you have an even PAN but an odd number of applicants (or vice versa). You would need to ensure that no ability band is significantly under or over-represented.

53. It is recommended that if you band, you write a process into your admission arrangements to cover this eventuality. For example, if you had 3 bands and 2 extra children you could say there would be an extra child in bands 1 and 3 or an extra 2 children in band 2.

## Arranging banding tests

54. You must test or assess children before you apply your oversubscription criteria. Places are then allocated within that band based on your oversubscription criteria.

Once you are within LA co-ordinated admissions, you should speak with your LA to ensure that the date, or dates on which you run tests will enable them to be run and marked prior to the date you are required to send ranked lists of applicants back to the LA. We recommend you run the tests on two or three separate dates, so that every child has an opportunity to sit the test.

## **Applying oversubscription criteria within banding**

55. Your oversubscription criteria would be applied after the banding process and when pupils have been placed into bands. For example, with 5 bands and a PAN of 100 with 200 applicants there would be 40 pupils in each band. You would apply your criteria in priority order to each band to determine which 20 from each band are admitted.

## **Post-16 admissions in secondary schools**

### **The application of School Admissions Code to school-based sixth forms**

56. The School Admissions Code applies to every relevant age group for admission in schools, including Year 12.

57. While you can set a minimum academic standard for entry/progression into year 12, such as 5 GCSEs at grades A\*-C, for both internal students and external applicants, once this minimum standard has been met, you must prioritise external applications in accordance with your PAN and oversubscription criteria.

58. The minimum entry/progression standard must be the same for internal or external applicants. You cannot assess any student, whether internal or external on past behaviour, attendance, attitude or appearance. You cannot interview to determine admission.

### **Process for year 11 students already on the school roll**

59. Such students are already on roll and must not be required to apply again for a place. If they meet the minimum academic entry/progression requirement you have set for the sixth form year 11 students already on the roll of your school will transfer automatically into Year 12.

60. You can, however, ask them to notify you if they wish to move up to year 12 and ask them to inform you which subjects they wish to follow. You can also remove them from roll at the end of year 11 if they do not meet any minimum academic requirements you adopt for progression/entry to the sixth form.

### **Deciding on setting a PAN for year 12.**

61. Many schools wonder how they can set a PAN for year 12 when they are not certain how many year 11 pupils will move up automatically to year 12. The answer is to set a low PAN. The school can always exceed this if fewer of your own year 11 pupils meet the minimum academic standards.

62. Within your arrangements you should:

62.1. state clearly the overall size of the year 12 year group ;

62.2. set your Year 12 PAN at 5 or 10 or some other small number (if you have a year 11 cohort moving up, set a higher number if not);

62.3. state that if fewer of the school's own year 11 pupils progress to the sixth form additional external applicants will be admitted up to the overall year 12 capacity; and

- 62.4. set out the oversubscription criteria that external applicants will be assessed against if places are still available once internal transfers have been admitted.
- 62.5. An example of how this could be set out is included in the model admission arrangements [here](#).



## Admission outside the normal admissions round/year group

### Co-ordination and in-year applications.

63. After your first year of operation, local authorities will co-ordinate your admissions. Co-ordination is the process whereby parents send their applications to their LA (at least 3 preferences), the LA sends the applications to schools, schools rank applicants against their admission criteria and send the ranked lists back to their LA. LAs exchange information and send parents their highest available preference.

64. Local authorities will co-ordinate 'on time' and 'late' applications. That means they co-ordinate everything for 'relevant age groups'<sup>2</sup> up to the start of the school year in September. 'In year' applications are all applications after this point and applications to year groups which are not a relevant age group for admission.

65. Local authorities are no longer required to co-ordinate 'in year' applications. Some local authorities may choose to offer to co-ordinate in-year admissions for you – as they will be managing in-year admissions for community and voluntary-controlled schools, but you do not have to accept this offer.

### Your responsibilities to share information if managing in-year admissions.

66. The School Admissions Code requires local authorities to provide information about the availability of school places to parents on request. If you do not provide information to them about any applications for in-year admittance, they will not be able to provide up-to-date information. You therefore need to inform them of all applications and offers so they are aware both of children that have a place and those which do not.

67. You also need to inform the local authority of all in-year applications and whether or not you have offered the child a place.

### Deferred entry

68. A child reaches compulsory school age on the prescribed day following his/her fifth birthday (or on his/her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August<sup>3</sup>. Children must attend school, full-time,

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<sup>2</sup> This means a normal admission point - i.e. any year group with a PAN from reception up to and including year 11

<sup>3</sup> Compulsory school age is set out in section 8 of the Education Act 1996 and The Education (Start of Compulsory School Age) Order 1998

from the beginning of the term immediately after the prescribed days. Parents of children that are yet to reach compulsory school age have a right:

68.1. to defer their child's attendance at school until the start of the term in which they reach compulsory school age; or

68.2. for their child to attend school on a part-time basis, until they reach compulsory school age.

69. Admissions is an annual process, so entry cannot be deferred until the next academic year so, if an application is made for a place in the 2015 admission round, entry cannot be deferred beyond the final term in the 2015/16 school year (i.e. the summer term), for the youngest children.

70. We have produced [Advice on the Admission of Summer Born Children](#) to further assist schools and parents.

## **Admitting children to an older or younger year group**

71. The Code requires (2.17) that admission authorities must make it clear in their admission arrangements the process for requesting admission out of the normal age group. Parents may choose to request that their child is admitted outside their normal age group, for instance where the child is gifted or talented or has suffered from particular social or medical issues which have impacted on their schooling. The parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may therefore request that they are admitted out of their normal age group at that point – to reception rather than year one.

72. When such a request is made, the school must consider the request on its merits. It is not acceptable to have a blanket policy on the issue.

73. The school must take a decision on the basis of the individual circumstances and the child's best interests. The decision will take account of:

73.1. the parent's views;

73.2. the views of your headteacher;

73.3. information about the child's academic, social and emotional development submitted to you by the parent;

73.4. where relevant, their medical history and the views of a medical professional (again, if submitted by a parent);

73.5. whether they have previously been educated out of their normal age group; and

73.6. whether they may naturally have fallen into a lower age group if it were not for being born prematurely.

74. The Code also requires (2.17B) that such applications are considered at the time they are submitted. It would be a breach of the Code to consider them after other applications.

75. You should strongly advise parents to think through the implications of such a request as any school the child later moves on to will not be obliged to continue to educate their child out of the normal age group.

76. The DfE [Advice on the Admission of Summer Born Children](#) recommends that a parent wanting their child to be admitted out of normal age group makes an application for their child's normal age group at the usual time, but that they should also submit a request for admission out of the normal age group at the same time. Schools should ensure that they receive the response to their request before primary national offer day.

## **The Fair Access Protocol**

77. Each local authority must have a Fair Access Protocol, agreed with the majority of the schools in its area, to ensure that – outside the normal admissions round – unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible – even if that means admitting pupils in excess of the admission number - and that no school is asked to take a disproportionate number of children with challenging behaviour or children excluded from other schools.

78. All admission authorities, including those of academies and free schools, are required to participate in the Fair Access Protocol for their area. This means that schools should all admit their share of hard to place children, even when they have reached their admission number.

## **Which children fall under a Fair Access Protocol?**

79. It is for local authorities, together with their schools, to decide on which children should be eligible for consideration under their Fair Access Protocol. The protocol can be used to place any children without a school place, but paragraph 3.15 of the School Admissions Code lists certain categories of children that must be included as a minimum:

- 79.1. children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- 79.2. children who have been out of education for two months or more;
- 79.3. children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- 79.4. children who are homeless;
- 79.5. children with unsupportive family backgrounds for whom a place has not been sought;
- 79.6. children who are carers; and

79.7. children with special educational needs, disabilities or medical conditions (but without an Education Health and Care Plan).

80. For further guidance on Fair Access Protocols, please follow this link

<https://www.gov.uk/government/publications/fair-access-protocols-in-school-admissions>

## The infant class size limit

81. Schools with infant classes (i.e. where the majority are aged 5, 6 or 7) must not have classes of more than 30 pupils to a teacher.
82. However, there are some exceptions. These are set out in paragraph 2.15 of the School Admissions Code. You can admit over the limit of 30 pupils in a class if:
- 82.1. during a normal admissions round:
  - 82.2. you or the local authority made a procedural error in administering the applications, where the child should have been admitted but was not;
  - 82.3. an independent appeals panel upholds an appeal;
  - 82.4. the child has a twin (or other siblings from a multiple birth) who is admitted (other than as one of these exceptions) ; or
  - 82.5. the child has special educational needs and is normally taught in a special educational needs unit attached to the school, or registered at a special school, but attends some infant classes within the mainstream school.
  - 82.6. it is outside the normal admissions round and the child:
    - 82.7. has an Education Health and Care Plan specifying the school in the Plan;
    - 82.8. is looked after, or has previously been looked after;
    - 82.9. is the child or UK forces personnel who have moved into the area; or
    - 82.10. has moved into the area and there is no other school within a reasonable distance.
83. Children admitted in this way are referred to as 'excepted', and will remain as 'excepted' throughout their time in an infant class or until the class size reduces to 30.

## Appeals

84. Appeals must be run once a free school becomes an admission authority (i.e. once the funding agreement is signed and sealed) and in accordance with the timetable in the School Admission Appeals Code.

### Parents' right of appeal

85. Parents have a right of appeal against any refusal to admit. Their appeal will be held by the independent appeals panel you have established or contracted with to run your appeals.

86. By 28 February each year you **must** set out on your website a timetable for organising and hearing appeals that:

- 86.1. includes a deadline for lodging appeals which allows those appealing at least 20 school days from the date of notification that their application was unsuccessful to prepare and lodge their written appeal;
- 86.2. ensures that those appealing receive at least 10 school days' notice of their appeal hearing;
- 86.3. includes reasonable deadlines for those appealing to submit additional evidence, for you to submit your evidence, and for the clerk to send appeal papers to the panel and parties;
- 86.4. ensures that decision letters are sent within five school days of the hearing wherever possible.

### Setting up the independent appeals panel

87. As an admissions authority, you have a statutory responsibility for making arrangements for appeals. There are a number of options open to you. You can either:

- 87.1. establish your own independent appeals panel;
- 87.2. make joint arrangements for hearing appeals with other admission authorities;
- 87.3. use the appeals service provided by a local authority (there may be a charge for this); or
- 87.4. contract the process out to one of the many commercial organisations running appeals for schools. There will be a charge for this.

### Informing parents about appeals: schools' responsibilities.

88. When a local authority or an admission authority informs a parent of a decision to refuse their child a place at a school for which they have applied, it **must** include the

reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal. At that point you **must** inform parents that, if they wish to appeal, they have to set out their grounds for appeal in writing. There are a number of steps that must then be taken. These are set out in the [School Admission Appeals Code](#) from paragraph 2.05 onwards. You must become familiar with this.

### **Do parents have a right to appeal against refusal to admit their child to a different year group to which they would normally be admitted?**

89. No. Parents have the right to ask you to consider admitting their child to a different year group, but the appeal is against a refusal to admit a child to the school not against a decision not to educate a child in a particular year group.

# Objections to Admission arrangements

## Rights of Objection

90. Every year you must determine your arrangements by 28 February<sup>4</sup> and publish them on your website and forward them to your local authority before 15 March<sup>5</sup>. Following on from publication, anyone can object to your admission arrangements before 15 May<sup>6</sup>. Objections go to the Schools Adjudicator. Ensuring your admission arrangements comply with the Code will assist you in avoiding objections.

## The role of the Adjudicator

91. Schools Adjudicators are appointed to act impartially, independently and objectively. They rule on objections to the admission arrangements of academies, free schools and maintained schools and they rule on some school organisation issues for maintained schools.

92. School Adjudicators **do not** deal with complaints from parents whose child has not been offered a place at a particular school

93. Where an objection is made to a school's admission arrangements, the Adjudicator will consider whether they comply with the Code and the law relating to admissions.

## Complying with an Adjudicator's decision

94. If an Adjudicator finds that your school's admission arrangements do not comply with the Code (taking into account any exemptions from the Code you may have been granted within your funding agreement) then you must revise your admission arrangements **within two months of the decision or by 28 February following the decision**, whichever is sooner. An Adjudicator's determination is binding and enforceable. If you do not comply, then you risk a direction from the Secretary of State, judicial review, or the termination of your funding agreement by the Secretary of State.

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<sup>4</sup> 15 April 2015 for arrangements for 2016 only.

<sup>5</sup> 1 May for arrangements for 2016 only.

<sup>6</sup> 30 June for arrangements for 2016 only



## Working with your local authority

### Co-ordinated admissions

95. Co-ordination makes the application process simpler for parents. The local authority is under a duty to co-ordinate admissions for all state-funded schools for any relevant age group (normal admissions group, which has a PAN) for reception to year 11, inclusive.

96. You are required, under your funding agreement, to participate in your local authority's co-ordinated admissions process. However, because of the timing involved in setting up a free school, you have the option not to be part of the initial co-ordinated process for your first admissions round on opening.

97. Co-ordination is the process by which local authorities co-ordinate the distribution of offers of places to schools in their area and ensures parents have an offer of a school place. The main elements to co-ordination are:

- 97.1. the LA publishing a composite admissions prospectus, which provides information to parents on schools in their area, and includes detailed admission arrangements for all schools in their area;
- 97.2. parents being given the opportunity to express a preference for at least 3 schools on the common application form (CAF);
- 97.3. the LA administering applications, made through the CAF;
- 97.4. admission authorities ranking applicants against their oversubscription criteria; and informing the LA;
- 97.5. the LA allocating the highest available preference to parents.

### Implications of being outside co-ordination on opening

98. Managing your own admissions in the first year of operation means that you can set your own deadlines for receiving applications and for making offers. You can therefore accept an application for a place to your school later than other schools in the area. It also means that you can follow-up expressions of interest directly with parents, who won't have to apply to your school via the local authority.

99. Even if you decide to manage the application process and allocate places yourself, you should have your school's details included in the LA composite prospectus. This will raise the profile of your school with parents in the local authority area.

100. If you are not in local authority co-ordination you will need to publish an application form and set out, in your admissions policy, where parents should submit their application, a closing date for applications and a date when provisional offers will be

made, either by the school or by the local authority. Make sure your form complies with the Code, especially important is section 2.4.

101. For more information on your options, please refer to the free school Proposer Guidance.

## **Offering places**

102. You can make provisional offers before your funding agreement is signed. But at that stage you will not exist as an admission authority (that only occurs on signing and sealing the FA). You must therefore make it clear to parents that your offer is conditional upon the funding agreement being signed. Once signed, you can formalise the offer, accept pupils and offer appeals to those refused a place.

103. You should also advise parents to apply for, and accept, places at local authority schools. This means that parents can hold two places – one from the free school and one from the local authority. We would strongly encourage you to advise parents to give up the place they don't need as soon as they can and to inform the LA of their choice.

## Changing the school's admission arrangements and consultation

### Changing proposed arrangements prior to the Secretary of State signing and sealing the funding agreement.

104. This might be necessary if your catchment has to change due to you being located in a different site to the one originally planned. If you change your admission arrangements before your funding agreement is signed, you must consult at least those who you consulted on setting up the academy, and affected parents on the changes. You should publish the changes on your website, and allow people with an interest in your school sufficient time to comment.

### Changing arrangements post signature

105. If you change your admission arrangements once you are open, you must publish the intended changes on your website, and formally consult on any changes (apart from increasing your PAN – although you should make sure your local authority is aware). The consultation must last for at least six weeks, and must take place between 1<sup>st</sup> October and 31<sup>st</sup> January<sup>7</sup>. Any changes made to your admission arrangements will apply in the following academic year, i.e., if you consult on changes by 31<sup>st</sup> January 2016, those changes will apply in the 2017/18 academic year.

### Determination and publication

106. As soon as your funding agreement is signed and sealed you must determine your arrangements (a decision of the trust to ratify the arrangements as final), publish them and send them to the local authority.

107. Every following year you must determine your arrangements by 28 February<sup>8</sup>, publish them on your website and send them to your local authority before 15 March<sup>9</sup>. These will apply for September in the following year (i.e. you determine September 2017 arrangements in February 2016). You must do this every year even if there are no changes to the arrangements.

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<sup>7</sup> For admission changes affecting your September 2016 policy the consultation must be for and 8 between 1<sup>st</sup> November 2014 and 1<sup>st</sup> March 2015.(the latest the consultation can start is 3<sup>rd</sup> January).

<sup>8</sup> 15<sup>th</sup> April 2015 for 2016 policies

<sup>9</sup> 1 May for 2016 policies.



Department  
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