



# Dallimore Primary and Nursery School Admissions Policy

## Statement of intent

At Dallimore Primary and Nursery School, we welcome all pupils, and places at the school are offered in an open and fair way.

The number of places available is determined by the capacity of the school, and is called the 'agreed admissions number'. Our published admissions number (PAN) is 45.

The table below sets out who the admission authority is and other responsible bodies in our school.

As Dallimore Primary and Nursery School is a **community school**, the admission authority is Derbyshire County Council.

Admission to years Reception to Year 6 is managed by Derbyshire County Council whilst admission to Nursery is managed by school.

## 1. Legal framework

- 1.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:
  - Equality Act 2010
  - Human Rights Act 1998
  - School Standards and Framework Act 1998
  - DfE (2014) 'School Admissions Code'
  - DfE (2012) 'School Admission Appeals Code'
  - [Independent schools only] The Education (Independent School Standards) Regulations 2014
  
- 1.2. This policy operates in conjunction with the following school policies:
  - Equal Opportunities Policy
  - Data Protection Policy

## 2. Roles and responsibilities

- 2.1. The admission authority is responsible for:
  - Acting in accordance with the relevant legislation and guidance when carrying out the overall admission of pupils into the school.

- Clearly communicating any reasons for rejecting the admission of a pupil, as well as the parent's right to appeal and the appeal process.
- Implementing any advice or recommendations given by the Schools Adjudicator without undue delay.
- Determining the admission arrangements on an annual basis and publicly consulting stakeholders on any proposed changes to the admission arrangements.
- Setting clear, fair and effective oversubscription criteria which do not discriminate against any pupil.
- Communicating oversubscription criteria clearly to parents.

2.2. The Schools Adjudicator is responsible for:

- Acting in line with the relevant legislation and guidance pertaining to admissions.
- Receiving concerns and objections regarding the admission of pupils and making recommendations to the admission authority as a result of these concerns and objections.
- Approving variations to determined admissions arrangements where there has been a major change in circumstances or law.

2.3. The appeals clerk is responsible for:

- Having an in-depth knowledge of the relevant appeals codes and other relevant law.
- Providing an independent and impartial service for admission appeals.
- Making the necessary administrative arrangements for hearings.
- Notifying all parties of the order of proceedings in advance of an appeals hearing.
- Responding to queries from appellants in advance of an appeals hearing or identifying who will be appropriate to respond.
- Being an independent source of advice on procedure and admissions law.
- Keeping accurate records of proceedings and providing written notification of the appeals panel's decisions.

### 3. Admissions

#### Determining a PAN

- 3.1. The number of places available is determined by the capacity of the school.
- 3.2. The PAN for new Reception pupils is 45.
- 3.3. The admission authority will consult with the governing board where it proposes to increase, decrease or keep the same PAN.
- 3.4. Where the admission authority has set a PAN lower than the school's wishes, the school will submit an objection to the Schools Adjudicator, where appropriate.

#### Oversubscription criteria

- 3.5. In the event of there being an oversubscription of applicants to the school, the following oversubscription criteria for each relevant age group will be applied:
  - LAC and previously LAC (PLAC) will be given priority over non-LAC or non-PLAC children
  - Children with siblings currently at the school will be given priority

- Children of staff at the school will be given priority
- Children eligible for the pupil premium will be given priority where they are in a nursery class attached to the school either by location or management

This list is not exhaustive, and schools should amend the examples given to reflect their oversubscription criteria. The admission authority will have due regard to local guidance pertaining to admissions when creating oversubscription criteria.

- 3.6. The school will accept all pupils who name the school in their EHC plan.
- 3.7. If it is unclear whether a child meets the oversubscription criteria, the admission authority may request proof of address. This proof will not include any of the information detailed in 5.6 of this policy.
- 3.8. If there is a 'tie-breaker' between oversubscribed pupils, the school will follow a fair, clear and effective procedure by allocating the place to the pupil who lives closest to school.
- 3.9. When formulating their admission arrangements, the admission authority will 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 feeder school.
  - Give priority to children whose parents rank preferred schools in their application.
  - Introduce any new selection by ability.
  - Give priority to children based on any practical or financial support their parents give to the school or associated parties, including any affiliated religious organisation.
  - Give priority to children according to the occupational, marital, financial or educational status of parents applying – apart from where these factors determine a child's pupil premium eligibility, and for children whose parents work at school.
  - 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 any protected characteristic.
  - Give priority based on a child's or their parents' past or present hobbies or activities.
  - Interview children or parents.
  - Request financial contributions as part of the admissions process.
  - Request photographs of children – apart from for proof of identity when sitting selection tests.

### **Catchment areas**

- 3.10. The point within the school grounds from which the school will measure any distance or radii is the door of the school reception. This point will be used to determine the school's catchment area. This will be measured using the child's primary address.
- 3.11. The school will accept pupils from outside the catchment area – oversubscription criteria will apply where applicable.

### **Siblings of pupils and children of staff**

- 3.12. For the purpose of this policy, “sibling” is defined as any brother or sister related by blood or marriage and any fostered or adopted siblings.
- 3.13. Where oversubscribed, the school will give priority to children whose siblings are currently at the school

### **Equal opportunities**

- 3.14. The school will not establish admissions criteria that excludes individuals with a particular protected characteristic.
- 3.15. The admissions criteria will not exclude a greater proportion of pupils with particular protected characteristics, unless the school can justify how this is a proportionate means of achieving a legitimate aim.
- 3.16. The admissions criteria will not discriminate against disabled applicants, unless the school can justify how this is a proportionate means of achieving a legitimate aim

### **Admissions procedures**

- 3.17. The school will offer open events and school visits to all potential applicants, irrespective of any protected characteristics. Where necessary, the school will make reasonable adjustments for disabled applicants or disabled parents.
- 3.18. The school may assess its ability to cater to the applicant’s needs by:
- Inviting the applicant to attend the school for half a day
  - Visiting the applicant’s home
  - Visiting the applicant’s current education provision

### **Consultation and determination**

- 3.19. The admission authority will consult on any proposed changes to the admissions arrangements.
- 3.20. Consultation will last for a minimum of six weeks and will take place between 1 October and 31 January in the determination year.
- 3.21. The admission authority should consult on admissions arrangements at least once every seven years, even if no changes have been made in that time.
- 3.22. The admission authority will consult with the following:
- Parents of all pupils
  - Stakeholders
  - Other admission authorities within the relevant area
- 3.23. The admission authority will publish a copy of the full proposed admission arrangements and the contact details of the individual responsible for admissions liaison on the school website.
- 3.24. A copy of the proposed admission arrangements will be made available upon request.
- 3.25. Finalised admission arrangements will be published on the school website.

## **Applications and offers**

- 3.26. Parents will be complete an application form via the Derbyshire County Council website, where they will note their preferred schools, along with a brief explanation, in rank order – the schools do not have to be located in the LA area where the parents live.
- 3.27. Parents will provide LAs with the following information within the application:
- Their name and their child’s name and date of birth
  - Theirs and their child’s address
- 3.28. The admission authority will request supplementary information for the purpose of processing applications where necessary; however, they will have due regard to 3.10 of this policy.
- 3.29. The admission authority will not request any of the following:
- Any personal details, including information on criminal convictions or financial status
  - The first language of the parent or child
  - Details about the parents’ or child’s disability, medical or SEND requirements
  - Any parental agreement to follow the ethos of the school in a practical way
  - For the child to complete any part of the form or for both parents to provide signatures
- 3.30. Parents are not guaranteed to have their preferences met
- 3.31. For PLAC and LAC, the admission authority will request a copy of the adoption order, child arrangements order or special guardianship order, and a letter from the LA confirming that the child was looked after immediately prior to the order being made.
- 3.32. An offer will only be withdrawn if it has been made in error, a parent has not responded within 20 working days, or if the offer was made via a fraudulent or misleading application
- If any application is found to be fraudulent after a child has started at the school in the first term of the new academic year, the school may withdraw the place. If the fraudulent application is found after this time, the pupil will not be removed. All offers will be made on National Offer Day, i.e. 16 April or the next working day.
- 3.33. The admission authority will maintain a waiting list for oversubscribed schools.
- 3.34. The admission authority will make clear in the admissions arrangements the process for requesting admission outside of the normal age group for the admissions round.
- 3.35. The headteacher will assist the admission authority with deciding on which year group a child will enter. Once a decision has been reached, the child’s parents will be informed in writing along with an explanation of how the decision was reached and any reasons why.
- 3.36. Pupils not of usual school age will not be given less of a priority where the school is over subscribed.
- 3.37. Applications for children coming from overseas will be treated in accordance with EU law or Home Office rules.

3.38. For children of UK service professionals, the following procedure will be adhered to:

- A place will be allocated to the child in advance of the family arriving in the area named in the application form.
- The application must be accompanied with an official letter confirming the relocation date and the service unit's postal address or quartering area address when considering the application against the oversubscription criteria.
- The application will not be refused on the grounds of the child not currently living in the area, nor will places be uniquely reserved.

The arrangements for service children will be in line with the government's commitment to removing disadvantage for service children.

#### **4. Admissions appeals**

- 4.1. When informing a parent of their unsuccessful admissions application, a letter will be sent which includes 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.
- 4.2. Parents will be informed in the letter that, if they wish to appeal, they must make the appeal in writing.
- 4.3. Grounds for appeal are not limited.

##### **Constitution of appeals panels**

- 4.4. The admission authority and the appeals panel will act in accordance with all relevant legislation and guidance.
- 4.5. The judicial function of the appeals panel will be transparent, accessible, independent and impartial, and will operate in accordance with the principles of natural justice.
- 4.6. The appeals panel will comprise a chair and at least two other panel members. The panel will also include at least one lay person and a person who has experience in education.
- 4.7. The chair of the appeals panel is responsible for the conduct of the hearing, including introducing parties, explaining individual roles and how the hearing will be conducted, and ensuring that parties have sufficient opportunity to state their case and ask questions.
- 4.8. Panel members will be independent from the school and will remain independent for the duration of their service.
- 4.9. The appeals panel must not have a vested interest in the outcome of the hearing.

##### **Appeals hearings**

- 4.10. The admission authority will publish an appeals timetable on their website. The timetable will comply with section three of the 'School admission appeals code'.
- 4.11. Appeals will be lodged and heard for the normal admissions round within 40 school days of the deadline for lodging appeals.
- 4.12. For late applications, appeals will be heard between 30-40 school days of the appeal being lodged.

- 4.13. For in year admissions, appeals will be heard within 30 days of the appeal being lodged.
- 4.14. Admission authorities will provide appellants with written notification of the date and all final arrangements of the appeal hearing, including a deadline for the submission of any further evidence that was not sent in the original appeal.
- 4.15. The admission authority will comply with any request for information to help parents prepare their case for the appeals hearing.
- 4.16. All evidence relating to the appeal hearing will be passed on to the clerk, including the admission process, reasons for the decision and how the admission would cause prejudice to the education provision of the school.
- 4.17. Appellants may attend in person or be represented by another individual. Where appellants cannot attend, a decision will be made based on the written evidence.
- 4.18. Appeal hearings must be private and held in an accessible location. The order of the appeals will be:
  - Case for the admission authority.
  - Questioning by the appellant(s) and panel.
  - Case for the appellant(s).
  - Questioning by the admission authority and panel.
  - Summing up by the admission authority.
  - Summing up by the appellant(s).
- 4.19. Multiple appeals will be heard, either individually or in groups, by the same appeals panel where appropriate.
- 4.20. Notes of the hearing will be made and kept securely by the admission authority for a minimum of two years. These notes are, in most cases, exempt from disclosure under the Freedom of Information Act 2000 and the Data Protection Act 2018.

### **Reaching a decision**

- 4.21. When reaching a decision, the admission authority will have due regard to section three of the 'School admission appeals code'.
- 4.22. Appeals decisions will either be upheld or dismissed – there will be no conditional decisions made, in line with section 94(6) of the School Standards and Framework Act 1998.
- 4.23. The final decision will be decided by a simple majority. If votes are split equally, the chair will make the casting vote.
- 4.24. The final decision and accompanying reasons will be communicated in writing to the appellant, admission authority and the LA.
- 4.25. The decision letter will be signed by the clerk or chair of the appeals panel and sent no later than five school days after the decision has been made.
- 4.26. If a child has been refused admissions due to any SEND, this will be considered by the First-tier Tribunal (SEND) and not the appeals panel.
- 4.27. The admission authority will have due regard for the two-stage process outlined in the 'School admission appeals code' when negotiating appeals regarding infant class sizes.

## **Complaints**

- 4.28. Appellants do not have the right to more than one appeal in respect of the school for the same academic year unless, in exceptional circumstances, the admission authority has accepted a second application from the appellant due to a material change in the circumstances of the parent, child or school but still refused admission.
- 4.29. Appellants can apply for a place at the school for a different academic year.

## **5. Admission to Nursery (managed by school)**

### **Admission to nursery for 2 year olds**

- 5.1 We offer free places to eligible children in the term following their second birthday for eligible children.
- 5.2 Places are offered to children whose parents are eligible to claim 15 hours funding (available for families in receipt of low-income benefits).
- 5.3 Places are offered when we can be certain of appropriate staffing levels and our ratio of 1 adult to 4 children must be maintained.
- 5.4 We also offer paid places for children. The purpose of these sessions is to meet the needs of families with working parents to support with childcare. Although our priority remains the Government funded 15 hours entitlement places for children in the community.
- 5.5 We aim to ensure that places are always available, but it may be necessary to place children on a waiting list whilst we recruit staff to maintain correct ratios. To ensure that this is fair for everyone applications are dated upon receipt and the waiting list is administrated by date order.

### **Admission to Foundation Stage 1 (Nursery)**

- 5.6 We offer places to children in the term following their third birthday.
- 5.7 All parents are able to access universal childcare 15 hours per week over 5 mornings or 5 afternoons.
- 5.8 When places are allocated we ensure that there is a good mix of boys and girls in both sessions. Whilst parents can state a preference for mornings or afternoons it may not always be possible to meet preferences.
- 5.9 We also have a limited number of places for 30 hour funded children. Parents who are eligible to 30 hours free childcare can apply for a place on a first come, first serve basis.
- 5.10 Parents who take up the 30 hour option are also able to 'top up' the day with a paid extra hour to extend their childcare day from 2.45pm to 3.45pm. This should be booked termly and paid in advance through parent pay.
- 5.11 As part of the admission process stay and play sessions are offered.
- 5.12 We ensure that a place is reserved for any children who have attended our 2 year nursery and who wish to attend the 3 year nursery.
- 5.13 We also offer paid places in the Nursery if we have availability.

### **GDPR and Data Protection**

All data will be processed in line with the UK General Data Regulation and Data Protection Policies.

**Review Date** : May 2023

**Next Review** : May 2024