



Admissions Policy

Oasis Academy

Blakenhale Juniors

## **1 Introduction**

This document sets out the admission arrangements for Oasis Academy Blakenhale Infants, throughout this document referred to as “the Academy”. These arrangements are without prejudice to the provisions within the Standard Funding Agreement (relating to Statemented pupils).

Any changes to the arrangements set out in this document, with the exception of setting a published admission number higher than the agreed admission number for a specific year, must be approved in advance by the Secretary of State.

Oasis Academy Blakenhale Infants is a non-selective school open to pupils of all religious faiths or those of no faith.

## **2 School Admissions Code/ School Admissions Appeal Code**

The Academy will comply with all relevant provisions of the statutory codes of practice (the School Admissions Code 2012 and the School Admission Appeals Code 2012) as they apply at any given time to maintained schools and with the law on admissions as it applies to maintained schools.

Reference in the codes to admission authorities shall be deemed to be references to Oasis Community Learning. References to “the LA” shall be deemed to be references to Birmingham City Council. The Academy will participate in the co-ordinated admission arrangements operated by the LA and the local in-year Fair Access Protocol.

Notwithstanding these arrangements, the Secretary of State may direct the Academy to admit a named pupil to the Academy on application from a Local Authority. Before doing so the Secretary of State will consult the Academy.

## **3 Admission arrangements approved by the Secretary of State**

The admission arrangements for the Academy for the year 2012/13 and, subject to any changes approved by the Secretary of State, for subsequent years are:

- a) For 2013/14 and beyond the admission numbers for all year groups (3-6) is 90

Pupils will not be admitted above the Published Admission Number unless exceptional circumstances apply and such circumstances shall be reported to the Secretary of State.

## **Admissions procedures**

### **4 Application process**

Applications for places at the Academy will be made in accordance with the LA’s co-ordinated admission arrangements and will be made on the Common Application Form provided and administered by the LA.

In October 2012 the local authority will write to parents/carers of children who are on roll at a community or private nursery advising them of how to apply for a Reception Class place online and of where to obtain the primary information booklet. Copies of the booklet will be available at all Birmingham primary schools, libraries, Health Centres, Children Centres and doctors’ surgeries, private and community nurseries and also electronically, etc.

Parents can either apply on-line or by completing a Local Authority Preference form. Proof of address will be required to be provided to the School Admissions and Pupil Placements Service.

Parents will be allowed to express up to three preferences for their child to be admitted to any maintained primary or infant school, academy or free school inside or outside the Birmingham Local Authority area.

The Academy will use the following timetable for applications each year (exact dates within the months may vary from year to year) which, whenever possible, will fit in with the common timetable agreed by the LA:

- September - The Academy will publish in its prospectus information about the arrangements for admission, including oversubscription criteria, for the following September (e.g. in September 2012 for admission in September 2013). The Academy will also provide information to the LA for inclusion in the composite prospectus, as required
- October to December - The Academy will provide opportunities for parents/carers to visit the Academy
- December/January - Common Application Form to be completed and returned to the LA to administer; LA sends applications to Academy.
- March/April - Academy sends list of pupils to be offered places to LA
- April - LA applies agreed scheme for own schools, informing other LAs of offers to be made to their residents
- On or about 16<sup>th</sup> April - offers made to parents/carers
- May – deadline for appeals

## 5 Consideration of applications

The Academy will consider all applications for places. Where fewer than the published admission number(s) for the relevant year groups are received, the Academy will offer places to all those who have applied.

## 6 Procedures where the Academy is oversubscribed

### ALLOCATION OF NURSERY PLACES

The policy is designed to work alongside the admissions policy already in place for all stages of education within Birmingham to ensure smooth transition throughout the phases. **It is important to note that the allocation of a nursery place in a school does not automatically guarantee a place in reception.**

Where the number of applications for admission is greater than the published admission number, applications will be considered against the criteria set out below. After the admission of pupils with Statements of Special Educational Needs where the Academy is named on the statement, the criteria will be applied in the order in which they are set out below:

#### **Factor 1: Looked after children and previously looked after children**

A "looked after child" 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.

A "previously looked after child" is a child who:

- a) Ceased to be looked after because they were adopted (under the terms of the Adoption and Children Act 2002 Section 46 (adoption orders)), or

- b) Became subject to a residence order (under the terms of the Children Act 1989 Section 8 - an order settling the arrangements to be made as to the person with whom the child is to live), or
- c) Became subject to a special guardianship order (see Section 14A of the Children Act 1989 - an order appointing one or more individuals to be a child's special guardian (or special guardians)).

**Factor 2: Children who will have a sibling attending the school at the time of their admission.**

Included in this factor are siblings (step-brothers and sisters and half-brothers and sisters) living at the same address and who will be attending the school at the expected time of admission. In the event of two applications for one vacancy using the above criteria, the Authority will apply a tie breaker decision based on geographical distance.

**Siblings for the same year group (twins/ multiple birth children)**

Where there are twins/multiple birth children to be admitted to a school in the same year group. If there are insufficient places available for all siblings, and one can be allocated a place, the admission number will be exceeded to allow them to be placed in the same school. This only applies to community and voluntary controlled schools within Birmingham where the parents have put identical preferences for all siblings.

**Factor 3: Children who live closest to the school.**

The distance will be determined by measuring the shortest available route using the public road network from the pupil's home to the main school gate, as determined by the LA. The distance will be measured by using a computerised geographical information system (GIS). Priority will be given to those living nearest to the school using this system. Pupils living in flats where the distance measures the same, priority will be given in ascending order of flat number/letter/floor.

**Tie Breakers**

Where the offer of a place would lead to oversubscription under any of the above factors places will be allocated by reference to subsequent factors in order. In exceptional circumstances where it has not been possible to decide between applications, because they have the same distance measurements, the place will be allocated by drawing lots independently verified.

**Waiting Lists**

A waiting list can be established for all over-subscribed schools. Pupils will automatically be put on the waiting list.

**YEAR R ADMISSIONS**

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**Tie Breakers**

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**7 Operation of waiting lists**

Subject to any provisions regarding waiting lists in the LA's co-ordinated admission scheme, the Academy will operate a waiting list. Where in any year the Academy receives more applications for places than there are places available, a waiting list will operate for at least one term after the admission date. This will be maintained by the Academy and it will be open to any parent to ask for his or her child's name to be placed on the waiting list, following an unsuccessful application.

Children's position on the waiting list will be determined solely in accordance with the oversubscription criteria set out in section 6.

Where places become vacant they will be allocated to children on the waiting list in accordance with the oversubscription criteria.

**IN-YEAR ADMISSIONS**

Applications made outside the normal admissions round (in-year admissions) will be made directly to the academy. Parents/carers can apply for a place for their child at any time and to any school.

The local authority will provide an application form for parents to complete when applying for a school place.

The academy must, on receipt of an in-year application, notify the local authority of both the application and its outcome, to allow the local authority to keep up to date with figures on the availability of school places in Birmingham.

### **8 Arrangements for appeals panels**

Parents/carers will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the Academy. The Appeal Panel will be independent of the Academy. The arrangements for Appeals will be in line with the Code of Practice on School Admission Appeals published by the Department of Education as it applies to Foundation and Voluntary Aided schools. (Appendix 1)

The determination of the appeal panel will be made in accordance with the Code of Practice on School Admission Appeals and is binding on all parties. The Academy should prepare guidance for parents/carers about how the appeals process will work and provide parents/carers with a named contact who can answer any enquiries parents/carers may have about the process.

### **9 Arrangements for admitting pupils to other year groups, including to replace any pupils who have left the Academy**

Subject to any provisions in the LA's co-ordinated admission arrangements relating to applications submitted for years other than the normal year of entry, the Academy must consider all such applications and, if the year group applied for has a place available, admit the child. All in-year applications must be directed to the Local Authority under the coordinated in-year admission arrangements.

If more applications are received than there are places available, the oversubscription criteria shall apply. Parents/carers whose application is turned down are entitled to appeal.

### **10 Admission records**

Records of applications and admissions shall be kept by the Academy for a minimum period of ten years and shall be open for inspection by the Secretary of State.

## Appendix 1

### ANNUAL PROCEDURES FOR DETERMINING ADMISSION ARRANGEMENTS

#### Consultation

1. OCL shall consult the following parties on the Academy's proposed admission arrangements for a minimum of eight weeks between 1 November and 1 March in the 'Determination Year'<sup>1</sup>:
  - a) The Local Authority
  - b) Parents of children between the ages of two and eighteen;
  - c) Other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
  - d) All other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
  - e) Whichever of the governing body and the local authority who are not the admission authority;
  - f) Any adjoining neighbouring local authorities where the admission authority is the local authority; and
  - g) In the case of faith schools, the body or person representing the religion or religious denomination.

Such consultation shall be in line with the requirements of the School Admission Code 2012 (the "Code") and relevant admissions legislation.

Paragraph 1.42 of the Code requires consultation every 7 years when the admission authority is not proposing any changes to the admission arrangements

OCL is not required to consult on their academies' PAN (published admission number) where they propose either to increase or keep the same PAN.

OCL **must** notify the local authority of their intention to increase the academy's PAN and reference to the change should be made on the academy's website. If, at any time following determination of the PAN, OCL 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. OCL may also admit above the PAN in-year.

2. As soon as any changes are made to arrangements, or proposed, the consultation cycle in paragraph 1 must be followed for the next determination year.

#### Academy Trust Determination of Admission Arrangements

3. OCL will consider comments made by those consulted in accordance with paragraph 1, including any requests to amend the proposed admission number, before determining the admission arrangements for the Academy.
4. OCL will determine the Academy's admission arrangements annually by 15 April of the Determination Year and notify consultees listed in paragraph 1 what has been determined within 14 days of that decision being made.

<sup>1</sup> A 'determination year' is the Academy Financial Year beginning two years before the Academy Financial Year which the admissions arrangements will be for e.g. consultation to end in March 2013 and determination to be in April 2013 for admissions in September 2014

### **Representations about admission arrangements**

5. Where OCL has determined the Academy's admission arrangements and notified all consultees listed in paragraph 1, if any of those persons or bodies object to the Academy's admission arrangements, including the proposed admission number, they can make representations to the School Adjudicator. Any representations must be made by 30 June in the Determination Year.

### **Secretary of State's Consent for Changes to Admission Arrangements**

6. Where the admission arrangements determined in a Determination Year in accordance with paragraph 5 are different from the admission arrangements currently in existence for the Oasis Academy, OCL shall by 30 June in the Determination Year apply to the Secretary of State for him to consent to such amended admission arrangements.

### **Secretary of State's Power to Accept, Modify or Reject Admission Arrangements**

7. Where the Secretary of State has received any representations made in accordance with paragraph 6, the Secretary of State must consult OCL on such representations. Following such consultation, by 31 July in the Determination Year the Secretary of State may direct that OCL amends the proposed admission arrangements for the Academy. OCL shall comply with any such direction.
8. Where the Secretary of State has received an application made in accordance with paragraph 7 seeking his consent to any amended admission arrangements, the Secretary of State must by 31 July in the Determination Year either approve the amended admission arrangements or direct that the amended admission arrangements are not implemented or must be modified. OCL must comply with any such direction.

### **Publication of Admission Arrangements**

9. OCL shall each Determination Year publish the Academy's agreed admission arrangements on the academy's website and notification to the bodies listed in paragraph 1.
10. The published admission arrangements will set out:
  - a) The name and address of the Academy and contact details;
  - b) A summary of the admission policy, including full oversubscription criteria;
  - c) A statement of any religious affiliation if relevant;
  - d) Numbers of places and applications for those places in the previous year; and
  - e) Arrangements for hearing appeals.

### **Proposed Changes to Admission Arrangements by the Oasis Academy After Arrangements Have Been Published**

11. Subject to paragraph 13, once the Academy's admission arrangements have been determined for a particular year and published, OCL will not make any change to such arrangements unless there is a major change of circumstances and the following procedures have been followed:
  - a) OCL has consulted those who are required to be consulted under paragraph 1 above on the proposed variation;
  - b) following such consultation, OCL has applied to the Secretary of State to approve the change setting out:
    - i. the proposed change;
    - ii. reasons for wishing to make such a change;
    - iii. any comments or objections to the proposal from those consulted; and



- c) Following such application, the Secretary of State has provided his consent to the proposed variation.
12. OCL shall following the prior written agreement or direction of the Secretary of State vary the Academy's admission arrangements where such changes are necessary to ensure compliance with the relevant provisions of admissions law or the Codes as they apply to maintained schools. Such changes may be made at any time.
13. Any changes to the Academy's admission arrangements brought about through the variation processes in paragraphs 12 or 13 above must be published within the Academy's prospectus and on its website (if it has one) and be communicated within 7 days to those persons who must be consulted under paragraph 1.
14. OCL must make arrangements for a parent of a child who has attained the age of two but is not above compulsory school age and who has been, is or will be eligible to apply to be admitted to the Academy to make representations to the Secretary of State that any aspect of the Academy's admission arrangements does not comply with the relevant provisions of admissions law or the Codes as they apply to maintained schools.
15. Where a representation is made in accordance with paragraph 15, the Secretary of State may, after consulting OCL, direct that OCL modify its arrangements for the admission of pupils to the Academy so that they comply with the relevant provisions of admissions law and the Codes as they apply to maintained schools. OCL must comply with any such direction.
16. Records of applications and admissions to the Academy shall be kept by OCL for a minimum period of ten years and shall be open for inspection by the Secretary of State.

## **Appendix 2 Admission appeals procedure**

Oasis Community Learning Admission Appeals Information

### **Admission Authority**

Oasis Community Learning is the Admission Authority for its Academies. OCL will comply with all relevant provisions of the statutory codes of practice (the School Admissions Appeals Code 2012) as they apply at any given time to maintained schools and with the law on admissions as it applies to maintained schools.

Therefore, Oasis Community Learning is required to make arrangements for the hearing of appeals against decisions not to offer a place to a child at the Academy.

### **Admission Appeals**

Parents/carers have a right to appeal in the event that their application for a place in an Academy is unsuccessful. Appeals should be lodged with the Clerk to the Appeal Panel within 14 days of the date of the letter notifying that the application was unsuccessful. Appeals inside the normal admission round are normally held in May, whilst appeals for admission outside the normal admission round ('in year appeals') will be held within 30 school days of the appeal being lodged.

### **Late Appeals**

Where an appeal is submitted after more than 14 days of notification of the decision, the appeal may be held at a later date. In year appeals (i.e. those outside the normal admissions round) will always be held within 30 school days of being lodged.

### **Appeal Panel**

A clerk must be appointed to the appeal panel who is independent of the school and the education functions of the local authority. The clerk must have knowledge of this Code, the School Admissions Code, other law relating to admissions and other relevant law, and be able to offer advice to enable the panel to undertake its judicial function.

Admission appeals are heard by an independent Appeal Panel of three members, established by the Academy. At least one member of the Panel is a lay member; that is, someone without personal experience in the management of any school or the provision of education in any school. At least one member has experience in education; that is, someone who is acquainted with educational conditions in the area or who is a parent/carer of a registered pupil at a school. One member acts as Chair of the Panel.

The School Admissions (Appeal Arrangements) (England) Regulations 2012 disqualify certain people from membership of an appeal panel. The clerk to the panel must not allow a disqualified person to be a member of a panel. A person is disqualified if they are:

- a) A member of the local authority which is the admission authority or in whose area the school in question is located;
- b) A member or former member of the governing body of the school in question; employed by the local authority or governing body of the school in question, other than as a teacher or teaching assistant;
- c) Any person who has, or at any time has had, any connection with the authority, school or any person in sub-paragraph c) above which might reasonably be taken to raise doubts about that person's ability to act impartially;
- d) Any person who has not attended training required by the admission authority arranging the appeal panel.

Parents/carers should not attempt to discuss matters relating to their appeal with any member of the Appeal Panel prior to the meeting.

Where a panel starts with three members, and one has to temporarily withdraw (for example because of illness), the panel must postpone the remaining hearings until the third panel member returns. If the panel member is unable to return, a replacement must be appointed and all appeals must be reheard. Any appeals which have been part heard before the withdrawal of the panel member must be reheard.

### **The Powers of the Appeal Panel**

The Appeal Panel's decision is binding on the Admission Authority. If the Panel upholds the appeal presented by the parents/carers, the child must be admitted to the Academy.

An Appeal Panel decision can only be overturned by the Courts, where the parents/carers or Admission Authority are successful in applying for Judicial Review of that decision.

The Appeal Panel cannot hear complaints or objections on the wider aspects of admission policies and practice. The Appeal Panel cannot change the Academy's admission criteria.

### **Action prior to the Appeal Panel meeting**

Parents/carers have the right to attend the Appeal Panel meeting and to present their appeal orally to the Panel. However, in addition, parents/carers may provide their appeal in writing with any supporting evidence to the Clerk to the Appeal Panel prior to the meeting. Written material received seven days before the date of the appeal meeting will be sent to the Appeal Panel members prior to the meeting so that they can study the material in advance.

The Academy may also present its representations and evidence to the Clerk at least seven days before the date of the appeal meeting so that they may be read in advance by the Appeal Panel members.

Any materials presented by the Academy will be sent in advance to the parents/carers and any materials presented by the parents/carers will be sent in advance to the Academy. The basic principle followed is that all information presented to the Clerk as part of the appeals process is available to all parties to the appeal.

### **Notice of the Appeal Panel meeting**

Parents/carers will receive written notice at least 10 school days before the date their appeal will be heard unless the parent/carer agrees to a shorter notice period.

### **Representation**

Parents/carers are encouraged to attend the Appeal Panel meeting in person and to make oral representations; that is, to clarify or supplement their written appeal. The parent/carer may be accompanied by a friend, adviser or be represented. Parents/carers may also bring an interpreter. In all circumstances where the parents/carers intend to bring along someone else, parents/carers should give advance notice to the Clerk preferably at least 3 working days prior to the meeting of the name of the other person attending and the capacity in which they are attending.

## **The Appeal Panel meeting**

The clerk must notify the parties of the order of the proceedings in advance of the hearing.

The Appeal Panel hearing is in two parts. First, the Academy's Presenting Officer presents the case that to admit any more pupils would prejudice the provision of efficient education or use of resources. This part of the hearing may involve a number of parents/carers together. The parents/carers are given the opportunity to question the Presenting Officer. Second, the parents/carers are given the opportunity to present to the Appeal Panel individually (without other parents/carers present). The Chair of the Appeal Panel ensures that the stages of the second part of the meeting take the following order:

- a) The parents/carers present their case to the Panel.
- b) The Presenting Officer is given the opportunity to question the parents/carers.
- c) The Presenting Officer sums up the Admission Authority's case.
- d) The parents/carers sum up their case.

The Appeal Panel members may ask questions at any time if they require clarification of what is being said or if they need information in order to reach a decision.

The written decision of the Appeal Panel will normally be sent to the parents/carers by the Clerk within seven days of the meeting.

## **Non-attendance at the Appeal Panel hearing**

If the parents/carers provide the Appeals Administrator with their telephone number, the Appeals Administrator will inform the parent/carer of the date and time of the Appeal Panel hearing both by letter and by telephone.

If through unforeseeable circumstances, the parents/carers are unable to attend the hearing on the day, they must telephone the Appeals Administrator immediately and give the reason for the non-attendance. The parents/carers will be asked if they want the appeal to go ahead in their absence. If they wish to seek another appointment, the matter will be referred to the Chairman of the Appeal Panel who will decide, based on the parents'/carers' reason for non-attendance, whether to hear the appeal in the absence of the parents/carers or defer consideration to a subsequent hearing.

Where parents/carers fail to attend on two occasions, the Appeal Panel will consider the appeal in the absence of the parents/carers.

## **Notes and records of proceedings**

The clerk must ensure an accurate record is taken of the points raised at the hearing, including the proceedings, attendance, voting and reasons for decisions.

These notes and records of proceedings must be kept securely by the admission authority for a minimum of two years. Such notes and records will, in most cases, be exempt from disclosure under the Freedom of Information Act 2000 and the Data Protection Act 1998, but admission authorities receiving requests under those Acts for information or data contained in such notes or records should obtain legal advice.

## **Further information**

Any queries about the appeals process should be made to the Appeals Administrator. All correspondence should be addressed to: Clerk to the Appeal Panel