



## Heron Primary School

### Admissions Criteria for September 2022

Heron Primary School is a Foundation School. The Published Admission Number (PAN) is 60 and this published admissions number will follow the year group through the school.

Whilst the school is its own Admissions Authority, the Local Authority will coordinate the admissions process to Reception on behalf of the Governing Body, including allocating places. Parents/carers must submit their Common Application Form, stating their preferred schools, to the Access to Learning Team at the Local Authority. Where applications for admission exceed the number of places available, the following criteria will be applied in the order set out below, to decide which children to admit.

1. A 'looked after child' (1) or a child who was previously looked after, but immediately after being looked after became subject to an adoption (2), child arrangements order (3), or special guardianship order (4).
  - (1) 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. In Gloucestershire, such children are referred to as Children in Care.
  - (2) 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).
  - (3) Under the provisions of s.12 of the Children and Families Act 2014, which amend section 8 of the Children Act 1989, residence orders have now been replaced by child arrangements orders.
  - (4) See Section 14A of the Children Act 1989 which defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).
2. Children who have a sibling attending the school at the time the applicant is admitted.
3. Children with the strongest geographical claim, measured in a straight line from the Ordnance Survey address point of the child's home address (including flats) to the Ordnance Survey address point of the school, using the Local Authority's computerised measuring system, with those living closer to the school receiving the higher priority.

We define siblings as a brother or sister, half-brother or sister, adopted brother or sister, step brother or sister, or the child of the parent's/carer's partner as well as children who are brought together as a family by a same sex civil partnership, and in every case, the child must be living in the same family unit at the same address, at the time of allocation.

In the event of oversubscription in either criterion 1 or 2 above, criterion 3 (the strongest geographical claim based on straight line distance) will be used to determine which child is offered a place, with the child living closer to the school receiving the higher priority.

In the event of a tie between two or more children when applying criterion 3 (strongest geographical claim based on a straight line distance), where there are not enough places available to offer all children a place at the school, a process of random allocation will be followed by the school as its own Admissions Authority. This will be in the form of a manual process which is overseen by the Local Authority as an independent party. Where twins or children from multiple births are part of a random allocation process, they will be considered as one applicant

### **Children with Special Educational Needs**

Children who have an Education Healthcare Plan (EHC Plan) are placed in schools through the arrangements set out in the SEN Code of Practice and not through any admission criteria. Governing bodies are required by Section 324 of the Education Act 1996 to admit a child with an EHC Plan that names that particular school. Parents of children with EHC Plans should contact their child's casework officer for any further information. Children who have an EHC Plan naming a school will be allocated a place even if that school is full.

### **Admission of Summer Born Children for Reception Entry for Heron Primary School**

The Governing Body of Heron Primary School acknowledges that parents/carers of "summer born" children (born between 1 April and 31 August) may request to start the Reception Class of a school a whole academic year later. The Governing Body will make the decision on behalf of Heron Primary School. We follow the Local Authority process, which states that parents can only apply for a Reception place at a school once and must apply for a place during the standard application process timeline for their chronological year group, stating their reasons for requesting deferred entry to the following year. The Governing Body will decide whether the deferred entry can be approved for the school.

### **Normal Admission Round**

The term 'normal admissions round' refers to all applications for admission to the main year of entry of the school i.e. Reception for Infant and Primary Schools. Applications made during the normal admissions round will be made in advance of the academic year in which the child is due to start school. Children are entitled to a full-time place, however they may attend part-time, or defer the date that they are admitted into the school to later in the school year, but not beyond the point at which they reach compulsory school age.

### **Waiting Lists**

If the school is oversubscribed in Reception, a waiting list will be held until the end of the second school term, based on the 6 term school year (i.e. until the December holiday break). The waiting list will be prioritised according to the school's oversubscription criteria.

## **In Year Applications**

In-year applications are all those made outside the normal round of admissions for children of compulsory school age i.e. those applications made during the academic year for a school place in Reception through to Year 6. All in-year applications for Heron Primary School should be made directly to the school. The school will consider the application within 10 working days and will send the parent/carer an offer or refusal letter, detailing the parent's/carer's right of appeal. The school will also advise the Local Authority of the outcome of all In Year Applications to ensure waiting lists are maintained centrally and pupil safeguarding is preserved.

## **Fair Access**

Heron Primary School will act within the Schools Admission Code 2014 to ensure that it follows a fair, consistent and transparent method of offering places to children whilst supporting the county-wide principle of allowing children to access a local school place. The Schools Standards & Framework Act 1998, Section 86, requires admission authorities to only refuse admission of pupils where it may compromise education to do so and therefore the School Admission Code 2014 does make some provision for admission authorities to admit above their admission number during the admissions process to meet parental demand. The Governing Body will consider all applications for a school place in line with the schools admission policy, taking individual cases into account in line with its exceeding PAN protocol – which sets out how the school will implement such flexibility in a transparent manner whilst ensuring sustainability of the whole school system.

Heron Primary School has signed up to the Local Authority's fair access protocol and will admit vulnerable children under this when requested – such children will take precedence over any waiting list held.

## **Appeals**

Where an application for a place at the school is unsuccessful, you will have the right to appeal. You will be advised of the appeal process within your refusal letter. For applications made in the normal admission round appeals will be heard within 40 school days of the deadline for lodging appeals. For in-year applications, appeals will be heard within 30 school days of the appeal being lodged.

Appeals must be in writing addressed to the Clerk to the Appeals Panel c/o Heron Primary School, Heron Way, Abbeydale, Gloucester GL4 4BN.

Appendix 1:

HERON PRIMARY SCHOOL ADMISSION ARRANGEMENTS

PROTOCOL FOR PUPIL ADMITTANCE OVER PUBLISHED ADMISSION NUMBER (PAN)



## **HERON PRIMARY SCHOOL ADMISSION ARRANGEMENTS PROTOCOL FOR PUPIL ADMITTANCE OVER PUBLISHED ADMISSION NUMBER (PAN)**

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### **1. BACKGROUND**

In accordance with the School Admission Code 2014 and as a Foundation School and our own admission authority, we must publish the admission number for our school in its determined admission arrangements by 15<sup>th</sup> March each year. Any published admission number (PAN) must be based upon the physical capacity of the school and the overall demand for places in an area. The Published Admission Number under Section 93 of the School Standards and Framework Act for Heron Primary School is 60 pupils, for all year groups. The Published Admission Number for the school has been agreed between the County Council, the Head Teacher and the Governing body following the extensive measuring of all the school buildings.

Heron Primary School believes that admitting children in accordance with a school's published admission number is the most fair, consistent and transparent method of offering places to children and it is therefore best practice to consider a formal increase to any school's PAN should there be any changes to their physical capacity which enables them to accommodate additional pupils.

However, the School Admission Code 2014 does make provision for admission authorities to admit above their admission number during the admissions process to meet parental demand. Therefore, this protocol sets out how Heron Primary School will implement such flexibility in a transparent manner whilst ensuring that the sustainability of the whole school system is not compromised.

### **2. DECISION MAKING**

In order to ensure that Heron Primary School has the same opportunity to benefit from the increased School Admission Code flexibility as other maintained schools and academies in the county, the school is keen to support admitting places to children over their PAN. However, this protocol must be followed to ensure that all decisions are made consistently and do not unfairly disadvantage individual children or community groups.

In all cases, any decision to admit a pupil over the school's PAN must be made by the Access to Learning Team in the County Council. Whilst the standard process for in-year admissions has been delegated to individual schools, the County Council is not able to formally delegate any official decision making (most specifically offering a place to a pupil when the school has already reached its PAN, or refusing a place to a pupil when the school is under its PAN) and therefore is required to make all such decisions for them to be lawful.

Where Heron Primary School consider that they have the physical capacity to accommodate individual pupils over their PAN, and the circumstances meet the criteria of this protocol, they should approach the Access to Learning Team in the County Council to discuss the case. At no point in the process will we advise a parent, or any other party, that they are able to offer a place before this decision has been made by the County Council – any such practice would be unlawful and is likely to lead to the County Council formally removing the school place from the child to protect the integrity of the admissions process and mitigate any legal challenge from third parties.

Where the Access to Learning Team in the County Council decide that any pupil can be accommodated at Heron Primary School above its PAN, it must be able to evidence the full consideration of such cases and document rationale for its decisions to comply with admissions law and best practice requirements. In any case, where a school is oversubscribed, any pupil considered for placement above a schools PAN must be at the top of the waiting list.

Whilst predominantly associated with in-year admissions, it is anticipated that this protocol will also apply for annual admissions to schools during the normal year of entry, if demand for places exceeds local provision – however, such decisions will usually be made to inform the offers made on the national allocation day, or the County Council's subsequent offer date, to ensure that all children are treated fairly and equitably.

### 3. CRITERIA

Section 2.15 of the School Admissions Code 2014 states that 'infant' classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher, as defined in Section 4 of the SSFA 1998. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) Children admitted outside the normal admissions round with an Education, Health and Care Plan (EHC) specifying a school;
- b) Looked after children and previously looked after children admitted outside the normal admissions round;
- c) Children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) Children admitted after an independent appeals panel upholds an appeal;
- e) Children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) Children of UK service personnel admitted outside the normal admissions round;
- g) Children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) Children with special educational needs or an Education, Health and Care Plan who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school

Therefore, the County Council will support the school in admitting children over its PAN where all of the following circumstances apply:

1. The admission of the additional pupil/s would not cause the school to breach Infant Class Size Regulations<sup>1</sup> unless the pupil can be considered as an exception as defined in 2.15 of the School Admissions Code, 2014
2. The school has the physical capacity within current class sizes/structure and overall net capacity to accommodate the additional pupil/s<sup>1</sup>;
3. The school would not require any additional resources to meet pupil need<sup>1</sup>;
4. The admission of the additional pupil/s would not require any specific funding, nor have an adverse financial impact on the school<sup>1</sup>;
5. There have been no appeals for the year group in question made for a child in similar circumstances for the year group in question unless a case is considered by the Access to Learning Team of the County Council under fair access arrangements due to the child's vulnerability);
6. Any additional pupil/s live within the local area (i.e. within statutory walking distance<sup>2</sup>) of the school and alternative schools in the area are either also unable to accommodate them within their PAN or would necessitate an unreasonably long journey (in excess of the statutory walking distance<sup>2</sup>);
7. The school either has the capacity to admit additional pupils to the same year group within the next two academic years if their circumstances are considered similar to a pupil admitted over PAN, or the school is able to provide sufficient evidence to show that their capacity, resources or finances have changed so that it is not possible to admit any additional pupil/s in the future (to defend legal challenge)

*<sup>1</sup> and would continue to meet this criteria even if all other year groups in the school were at their PAN (i.e. a school cannot exceed its PAN in one year group on the basis that another year group is undersubscribed).*

*<sup>2</sup> the statutory walking distance is 2 miles for children aged less than 8 years old and 3 miles for children older than this. Distances are measured using the shortest available pedestrian route along which a child can walk in reasonable safety.*

The same criteria will also be used to consider the in-year admittance of a child from a service family above a school's PAN, with the exception of criterion 1 and 5 - as the School Admissions Code 2014 provides additional flexibility for service families (not including Crown Servants) within these categories.

In accordance with the School Admissions Code 2014, whilst the County Council will be mindful of above criteria (with the exception of criterion 1 and 5) it is expected that looked after children, and previously looked after children, will be admitted to the school requested unless there are significant concerns about the appropriateness or capacity of the school to meet their needs.

Whilst the Head Teacher and Chair of Governors of the school will be required to provide their opinion as to whether any case meets the criteria above, the final decision on whether this protocol can be applied in any particular case will rest with officers of the County Councils Access to Learning Team.

On occasions where the school has capacity to meet some, but not all, of its demand for school places within a particular year group, all admission applications will be refused and cases will be decided by an independent appeal panel where the application is pursued by the parent.

In some cases, where the school is required to admit a number of pupils over its PAN to ensure sufficiency of local provision, the County Council may allocate additional resources or funding as necessary to secure capacity at the school. This will usually be linked to the normal year of entry at the school (i.e. Reception) where there is a short-term demand for increased places.

#### **4. RATIONALE**

This protocol has been designed in order to meet parental preference for places at Heron Primary School, whilst ensuring that the County Council complies with school admission legislation and seeking to maintain a viable school system across the county. Whilst the County Council remains supportive of meeting individual parental preference where this is reasonable, it also has a much wider remit of ensuring that no school can expand at the expense of another (reducing parental choice), that in-year admissions do not impair future access to a school for particular children or communities, and that the ability to effectively manage localised fluctuations in demand is maintained.

Where any child has been refused a school place in line with the any part of the schools admission process, the parent will retain their legal right of appeal against this decision.