

## DETERMINED SCHEME FOR THE CO-ORDINATED ADMISSIONS TO SCHOOLS AND ACADEMIES AND ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS -**SEPTEMBER 2013 / 2014**

#### 1. Background

- This scheme applies to all primary and secondary maintained schools, academies and free schools (excluding special schools) in Birmingham for the academic year 2013 / 2014 and is made under the provisions of the School Standards and Framework Act 1998, as amended by the Education Act 2002, and The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008.
- 1.2 The School Admissions and Pupil Placements Service, on behalf of the Local Authority and other admission authorities in Birmingham, will coordinate applications made during the normal admissions round (i.e. applications for Reception Year, Year 3 at a Junior School, Year 7 and, in the case of 14-19 Academies, Year 10) Parents/carers resident in Birmingham will make a single application to the Local Authority (School Admissions and Pupil Placements Service) for any Birmingham maintained school, academy or free school or any such school or academy in a neighbouring authority.
- 1.3 For the academic year 2013 / 2014 and subsequent years, subject to any review, applications made outside the normal admissions round (i.e. in-year applications) will be made directly to individual schools or academies.
- 1.4 Birmingham City Council is the relevant admission authority for all community and voluntary controlled schools within the City.
- 1.5 For voluntary aided and foundation schools (including Trust schools), academies and free schools, governing bodies of such schools are the admission authority.
- 1.6 Co-ordination schemes do not affect the rights and duties of the governing bodies of voluntary aided and foundation schools (including Trust schools), academies and free schools to set and apply their own admission arrangements and oversubscription criteria, but they must

## 2. School provision

There are four types of maintained schools in Birmingham:

- 1. Community
- 2. Voluntary Controlled
- 3. Voluntary Aided (including 2 Grammar Schools)
- 4. Foundation (including 1 Trust school)

Birmingham also has a number of academies and free schools. These are state-funded schools that are managed by sponsors from a wide range of backgrounds.

The criteria for admission to community and voluntary controlled schools are given later in this document.

#### 3. Parents' right to apply for a school

Birmingham City Council, as a Local Authority, must enable parents and carers to say where they would prefer their child to go to school. The law does not give parents a right to "choose" which school their child will attend.

It is the local authority's duty to carry out parents' wishes as far as possible.

#### **Exceptions**

The law recognises that it may not always be possible to carry out parents' wishes, for a number of reasons:

- because this would "prejudice the provision of efficient education or the
  efficient use of resources", e.g. because a particular school may be full
  (i.e., it has already admitted pupils up to the Published Admission
  Number for the child's year group);
- because it is a selective (grammar) school and the child has not reached the required academic standard for entry to a selective school;
- because the child has been permanently excluded from two or more schools and the most recent of the exclusions took place within the last two years;
- because the school's statutory infant class size limit of 30 has been reached.

#### 4. The application process for in-year admissions

4.1 From September 2013, and for all subsequent years, applications made outside the normal admissions round (in-year admissions) will be made

- 4.2 The local authority will provide an application form for parents to complete when applying for a school place.
- 4.3 Own admission authority schools and academies 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.

#### 5. The application process for primary and secondary normal admission rounds

#### 5.1 All rounds

- 5.1.1 Applications made on behalf of children with Statements of Special Educational Needs will be considered by the Special Educational Needs Assessment and Review Service (SENAR), in accordance with parental preference and each child's individual needs, taking account of Birmingham City Council's inclusion policy and any consultation required with school governing bodies.
- 5.1.2 Birmingham Local Authority's School Admissions and Pupil Placements Service will obtain names of all children who are looked after and those who were previously looked after but ceased to be so because they were adopted (or became subject to a residence or special guardianship order) within the appropriate age range, from the Looked After Children Education Service (LACES). Places for these children will be considered in accordance with each school's admission criteria.

#### 5.2 Starting Reception Class

- 5.2.1 If a child attends a nursery class, this does not mean that he or she will automatically get a place in the primary or infant school to which the nursery is linked or attached. Parents with children in a nursery class must apply for a Reception Class place at the school in the same way as other parents.
- 5.2.2 By law, parents must ensure that their children are receiving suitable full-time education at the beginning of the term after their 5<sup>th</sup> birthday. However, in Birmingham, children are admitted to Reception Class in the September at the start of the academic year in which they reach five years of age.
- 5.2.3 Parents may, however, defer their child's admission to primary or infant school until the beginning of the first academic term after the child's fifth birthday. In the case of a child who reaches the age of five during the 2013 / 2014 summer term, whilst the child's parents would need to ensure that their child is receiving suitable full-time education from the

- 5.2.4 Parents of children who reach the age of five during the summer term of the 2013 / 2014 academic year who are considering deferring their child's admission to primary or infant school until the beginning of the 2014 / 2015 academic year should note that, as the overwhelming majority of children in Birmingham start school at the start of the academic year in which they reach the age of five, it is likely that some or all of the parents' preferred schools will not have vacancies in their child's year group (these places having been allocated to children who started school the previous year).
- 5.2.5 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.
- 5.2.6 Parents can either apply on-line or by completing a Local Authority Preference form which should be completed by 3 December 2012. Proof of address will be required to be provided to the School Admissions and Pupil Placements Service. The School Admissions and Pupil Placements Service will accept applications until 15 January 2013. Applications received after this date will be treated in accordance with the procedure for late applications.
- 5.2.7 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.
- 5.2.8 Data will be exchanged with other admission authorities and other local authorities as detailed in section 7 below.
- 5.2.9 The School Admissions and Pupil Placements Service will compare ranked parental preferences for each school. All ranked preferences will be given equal consideration against schools' admission criteria. If the child ranks sufficiently highly within the admission criteria for two or more schools and could therefore potentially be offered a place at either school, the school the parent ranked highest will be offered.
- 5.2.10 Children who live in Birmingham that have not been offered one of their parents' three preferences, following consultation with another admission authority if appropriate, will be offered a place at one of their

- 5.2.11 Primary / infant schools will verify the child's date of birth at either the time of acceptance of the offer or at the school's induction day. Offers will be conditional on providing valid proof of date of birth.
- 5.3 Transfer from Infant School to linked Junior School (Year 2 to Year 3)
- 5.3.1 If a child attends an infant school, it is necessary for the child to transfer to a different school for his/her junior education.
- 5.3.2 In October 2012, parents/carers with a child in Year 2 at an infant school will be sent a letter advising them how to apply online for a Year 3 place at a linked junior school or any other primary or junior school. A supply of application forms will also be available from infant schools. junior schools and the Local Authority for those who do not have access to the internet. The same timetable and process as Reception Class admissions above will be used.
- 5.3.3 If a child already attends a primary school, it is not necessary for him / her to transfer to a different school at the end of Year 2.
- 5.4 Transfer from Year 6 to Secondary School
- 5.4.1 At the end of the Summer Term 2012, Birmingham Local Authority will invite parents of children who will transfer to secondary education in September 2013 to complete an online application form. The online system will be available from 1 September 2012. Local Authority Preference Forms will also be available from schools and School Admissions and Pupil Placements Service for parents who do not have access to the Internet.
- 5.4.2 All parents will be required to make an application to the Local Authority in which they live (where they pay their Council Tax). By the second week in July 2012, all maintained primary and junior schools, academies and free schools and, where possible, the majority of independent primary schools in Birmingham, will be forwarded a letter for each Year 5 child living in Birmingham, inviting their parents/carers to make their application for a secondary school place online. A supply of the parents' information booklets will also be made available for each school and will also be available to view on the Birmingham City Council's website.
- 5.4.3 Parents of children who live in Birmingham but whose children attend a primary school outside Birmingham will be advised to make their application online or return a preference form to School Admissions and Pupil Placements Service by 31 October 2012.

- 5.4.4 Online applications and those submitted by post will be accepted up until Wednesday 31 October 2012, which will be the absolute deadline for the submission of applications. Applications received after this date will be treated in accordance with the procedures for late applications as detailed in section 9. below.
- 5.4.5 Applications to sit any selective or assessment tests are to be made via separate forms, to be returned by dates specified by the admission authority for the school concerned (i.e., the governing body of a foundation or voluntary aided school or academy / free school). No other separate application form will be required by admission authorities in Birmingham; however, some voluntary aided schools (particularly those with a religious character) have a Supplementary Information Form, which needs to be completed to determine which category a child should be placed in.
- 5.4.6 Parents may express up to six preferences for their child to be admitted to any maintained secondary school or Academy inside or outside Birmingham Local Authority.
- 5.4.7 Data will be exchanged with other admission authorities and other local authorities as detailed in section 7, below.
- 5.4.8 The School Admissions and Pupil Placements Service will compare ranked parental preferences for each school. All ranked preferences will be given equal consideration against schools' admission criteria. If the child meets the admission criteria for two or more schools and could therefore potentially be offered a place at either school, the school the parent ranked highest will be offered.
- 5.4.9 Children who live in Birmingham who have not been offered one of their parents' six preferences, following consultation with another admission authority if appropriate, will be offered a place at one of their closest Birmingham Local Authority maintained secondary schools or academies with a vacancy.
- 5.5 Year 10 (in the case of 14-19 academies)
- 5.5.1 At the start of the Autumn Term 2012, parents who wish to make an application for their child to transfer to Year 10 at a 14 -19 Academy in September 2013 will be able to make their application online. A supply of Local Authority Preference forms will be available from 14-19 Academies and School Admissions and Pupil Placements Service for those who do not have access to the internet.
- 5.5.2 Applications to sit any selective or aptitude tests are to be made via separate forms, to be returned by dates specified by the Academy concerned.

- 5.5.3 Parents may express up to three preferences for their child to be admitted to any 14 - 19 Academy inside or outside of the Birmingham Local Authority area.
- 5.5.4 Data will be exchanged with other admission authorities and other local authorities as detailed in section 7, below.
- 5.5.5 The School Admissions and Pupil Placements Service will compare ranked parental preferences for each Academy. All ranked preferences will be given equal consideration against Academies' admission criteria. If the child meets the admission criteria for two or more 14 - 19 Academies and could therefore potentially be offered a place at either Academy, the Academy the parent ranked highest will be offered.
- 5.5.6 Children who live in Birmingham who have not been offered one of their parents' three preferences will continue to attend their current school and they will be added to the Academies' waiting lists and their parents/carers informed of their right of appeal.

#### 6. **Determining the offer of school places**

In determining applications for school places outside the normal admission round, admission authorities must comply with parental preference.

In accordance with Section 86 of the School Standards and Framework Act 1998, with the exception of designated grammar schools, all maintained schools and Academies that have enough places available must offer a place to every child that has applied for one, without condition or the use of any criteria, unless one of the statutory reasons for refusing admission applies.

The statutory reasons for refusal of admission are:

#### 6.1 Children who have been permanently excluded twice

If a child has been permanently excluded from two or more schools, whilst a parent may still express a preference for a school place, the obligation to comply with that preference is removed for a period of two years from the date on which the most recent permanent exclusion took place.

This rule applies whatever the length of the period or periods elapsing between the exclusions and regardless of whether it has applied to that pupil on a previous occasion.

For these purposes, a permanent exclusion takes effect from the first school day the head teacher has told the child not to attend school.

The above provision does not apply to:

- Children with statements of special educational needs;
- Children who were below compulsory school age when permanently excluded:
- Children who were reinstated by an Independent Appeal Panel following a permanent exclusion; and,
- Children who would have been reinstated by an Independent Appeal Panel following a permanent exclusion had it been practicable to do so.

The admission authority for the school may refuse to admit a child who has been excluded twice, or in the case of a community or voluntary controlled school, the governing body may appeal against the decision of the local authority as the admission authority to admit the child.

Local authorities are still responsible for providing full-time education for these children and may use their powers of direction or provide a place in a Pupil Referral Unit.

## 6.2 <u>Children with challenging behaviour</u>

Admission authorities must not refuse to admit children in or outside the normal admission round on the basis of their behaviour elsewhere, unless the provisions above relating to two permanent exclusions apply.

Admission authorities must also not refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where the school has a particularly high proportion of children with challenging behaviour or previously excluded children.

If, following admission, a child is found to be seriously and persistently disruptive, the school may consider disciplinary action in the normal way, including fixed term and, ultimately, permanent exclusion procedures.

In order for co-ordination to be effective, schools that are their own admission authority must communicate the availability of places to School Admissions and Pupil Placements Service when requested.

	Reception	Junior (Yr 2- 3)	Secondary (Yr 6 -7)	Year 10 (14-19 academies)
Birth range	01/09/08-31/08/09	01/09/05-31/08/06	01/09/01-31/08/02	01/09/98-31/08/99
Final closing date for receipt of applications	15 January 2013	15 January 2013	31 October 2012	31 January 2013
Data exchange with other Local Authorities	28 January 2013	28 January 2013	19 November 2012	4 February 2013
Unranked preferences forwarded to Birmingham Admission Authorities	9 February 2013	9 February 2013	26 November 2012	8 February 2013
Sibling reports sent to schools and academies	9 February 2013	9 February 2013	14 December 2012	N/A
Ranked preferences to be returned by Birmingham Admission Authorities	1 March 2013	1 March 2013	14 December 2012	18 March 2013
Offer exchange with other Local Authorities	8 March 2013 22 March 2013 28 March 2013	8 March 2013 22 March 2013 28 March 2013	7 January 2013 21 January 2013 4 February 2013 11 February 2013	25 March 2013
Offer day – letters posted	22 April 2013	22 April 2013	1 March 2013	3 April 2013
Acceptance of any offer should be made by this date	8 May 2013	8 May 2013	18 March 2013	18 April 2013
Any appeal should be received by this date. (20 school days following notification that application was unsuccessful)	21 May 2013	21 May 2013	15 April 2013	03 May 2013
Appeals received on-time should be considered by this date (40 school days)	23 July 2013	23 July 2013	18 June 2013	08 July 2013

## 8. Change of Preference

Once parent / carers have submitted their preferences they will not be allowed to change them without an exceptional change in their circumstances, for example, if the family has recently moved address or a sibling has changed schools.

All requests to change preferences should be made in writing to School Admissions and Pupil Placements Team Manager, Birmingham Local Authority.

Any parent / carer who submits an application for a change of preference for an oversubscribed school, without an exceptional change in their circumstances, will have that application refused.

Any request for a change of preference for a school that is undersubscribed will be accepted and a place offered at that school.

## 9. <u>Late applications</u>

Birmingham Local Authority may consider applications received after the final closing date at the same time as those which were received by the final closing date in exceptional circumstances. The Local Authority will use its discretion when considering the individual circumstances. For example where;

- There were exceptional reasons which prevented the parent/carer from applying by the closing date.
- A child and the person with parental responsibility has moved home.
- Where the local authority has contacted that parent/carer regarding their application.

All late applications accepted and received after the closing date, without exceptional reason, will only be considered after those applications which were received on time have been considered. Such applicants may therefore be less likely to be offered a place at one of their preferred schools.

All applications received after the offer of places will be considered by Birmingham Local Authority.

In the event that a late application is made for a place at an undersubscribed school, a place will be offered.

Applications made on or after the start of the Autumn Term 2013 will need to be submitted on an 'Application for a Change of School' form.

## 10. Over-subscription criteria

#### 10.1 Special Educational Needs

Applications on behalf of children with Statements of Special Educational Needs will be considered by the Special Educational Needs Assessment and Review Service (SENAR), in accordance with parental preference and each child's individual needs, taking account of Birmingham City Council's inclusion policy and any consultation required with school governing bodies.

Any child with a statement of special educational needs is required to be admitted to the school that is named in the statement. This gives such children overall priority for admission to the named school. This is not an oversubscription criterion.

#### 10.2 Community and Voluntary Controlled Schools

The local authority is the admission authority for community and voluntary controlled schools. For each foundation and voluntary aided school, academy and free school, the governing body is the admission authority and decides its own over-subscription admission criteria. Children are admitted to schools in accordance with parental preference as far as possible. However, where there are more applications than there are places available, places at community and voluntary controlled schools will be offered based on the following order of priority:

- 10.2.1 Looked after children or children who were previously looked after but immediately after being looked after became subject to an adoption, residence or special guardianship order. This includes any child / young person who is subject to a Full Care Order, an interim Care Order, accommodated under Section 20 of the Children Act 1989, is remanded or detained into Local Authority accommodation under Criminal Law or who has been placed for adoption. Birmingham Local Authority's School Admissions and Pupil Placements Service will obtain names of all children who are looked after or were previously looked after, within the appropriate age range, from the Looked After Children Education Service (LACES). Places for these children will be considered in accordance with each school's admission criteria.
- 10.2.2 Children (siblings) with a brother or sister already at the school and who will still be in attendance at the time the sibling enters the school.
- 10.2.3 Siblings (brothers or sisters) are considered to be those children who live at the same address and either:
  - i. have one or both natural parents in common;
  - or ii. are related by a parent's marriage;
  - or iii. are adopted or fostered by a common parent.

Unrelated children living at the same address, whose parents are living as partners, are also considered to be siblings.

Children not adopted or fostered or related by a parents' marriage or with one natural parent in common, who are brought together as a family by a same sex civil partnership and who are living at the same address, are also considered to be siblings.

Separate boys' and girls' schools are not considered to be linked for the purposes of sibling claims.

- 10.2.4 In the case of voluntary controlled Church of England primary schools: children whose parents have made applications on denominational grounds. This will be confirmed by a letter from the Vicar / Minister of the relevant Church.
- 10.2.5 Children who live nearest the school.

Within each of these categories, priority is given to those who live nearest to the school.

For these purposes, distances are calculated on the basis of a straightline measurement between the applicant's home address and a point decided by the school (usually the front gates). The Local Authority uses a computerised system, which measures all distances in metres. Ordnance Survey supply the co-ordinates that are used to plot an applicant's home address and the address of the school.

In a very small number of cases, it may not be possible to decide between the applications of those pupils who are the final qualifiers for a place, when applying the published admission criteria.

For example, this may occur when children in the same year group live at the same address, or where there are twins, or if the distance between the home and school is exactly the same, for example, blocks of flats. If there is no other way of separating the application according to the admissions criteria and to admit both or all of the children would cause the Published Admission Number for the child's year group to be exceeded, the Local Authority will use a computerised system to randomly select the child to be offered the final place.

Admission to a nursery school or nursery class does not give the child priority or an extra right to transfer to the Reception year of the primary or infant school to which the nursery is linked or attached.

#### 10.3 Chilcote Primary, Hall Green Infant and Hall Green Junior schools

Chilcote Primary, Hall Green Infant and Hall Green Junior schools each have catchment areas. At these schools, the order of priority for admission is as follows:

- 1. Looked after or previously looked after children.
- 2. Children living within the catchment area of the school who will have a brother or sister in attendance at the school at the time of admission.
- 3. Children living within the catchment area of the school who live nearest the school.
- 4. Children living outside the catchment area of the school who will have a brother or sister in attendance at the school at the time of admission.
- 5. Children living outside the catchment area who live nearest the school.

#### 10.4 Over-subscription criteria for Year 2 to Year 3 Transfers

- 1. Looked after or previously looked after children.
- 2. Linked Schools: Children who will be attending the linked Infant School at the time of application and will still be in attendance at the end of Year 2.
- 3. Children (siblings) with a brother or sister already at the Infant / Junior School and who will still be in attendance at the time the sibling enters the school.
- 4. Children who live nearest the school.

# 10.5 Over-subscription criteria for Year 2 to Year 3 Transfer - Hall Green Junior

- 1. Looked after or previously looked after children.
- 2. Children attending Hall Green Infant School Children who will be attending the School at the time of the application and will still be in attendance at the end of Year 2.
- 3. Children living within the catchment area of the school who will have a brother or sister in attendance at the school at the time of admission.
- 4. Children living within the catchment area of the school who live nearest the school.
- 5. Children living outside the catchment area of the school who will have a brother or sister in attendance at the school at the time of admission.
- 6. Children living outside the catchment area who live nearest the school.

#### 10.6 Selective schools

The selection of children for admission to grammar schools in Birmingham is by reference to ability and for this purpose there are tests held in the Autumn Term of the 2012/13 academic year for admission to these selective secondary schools in September 2013.

Arrangements relating to selective testing for admission to Sutton Coldfield Grammar School for Girls and Bishop Vesey's Grammar School are made jointly with The Schools of King Edward the Sixth in Birmingham. This will be known as "The Consortium of Grammar Schools in Birmingham"

The Consortium shall consist of the following schools:

Bishop Vesy's Grammar School

King Edward VI Aston School

King Edward VI Camp Hill School for Boys

King Edward VI Camp Hill School for Girls

King Edward VI Five Ways School

King Edward VI Handsworth School

Sutton Coldfield Grammar School for Girls

Parents will be required to complete an application to sit the selective test for a school that forms part of The Consortium.

Pupils will only be required to sit <u>one</u> test to be considered for a place at a school that forms part of The Consortium. Parents must also name any school(s) in the Consortium on their Local Authority Preference Form to be considered for a place there.

For entry in September 2013, the test for "The Consortium of Grammar Schools in Birmingham" will take place on Saturday 8 September 2012.

Details will be publicised widely within the City each year well in advance of the tests.

Handsworth Grammar School (Boys) have separate testing arrangements to those of The Consortium of Grammar Schools in Birmingham.

Admission authorities for grammar schools must inform parents of the outcome of selection tests prior to the final closing date for applications each year, so that parents can make an informed decision as to whether they should name a selective school as one of their preferences.

#### 10.7 Foundation, trust and voluntary aided schools

For each voluntary aided and foundation school (including Trust schools), the Governing Body is the admission authority and decides its own published oversubscription admission criteria.

#### 10.8 Academies and Free Schools

Admission arrangements for academies and free schools are approved by the Secretary of State for the Department for Education as part of an Academy's Funding Agreement, which requires compliance with admissions legislation and relevant Codes.

## 11. Home address

A pupil's home address is considered to be a residential property that is the child's only or main residence and is either;

- Owned by the child's parent(s), or the person with parental responsibility for the child;
- Leased to or rented by the child's parent(s), or the person with parental responsibility under lease or written rental agreement of not less than twelve months duration.

Evidence of ownership or rental agreement may be required, plus proof of permanent residence at the property concerned.

Where parents have shared responsibility for a child, and the child lives with both parents for part of the week then the main residence will be determined as the address where the child lives the majority of the week. Parents may be requested to supply documentary evidence to satisfy the authority that the child lives at the address put forward by the parents.

If a school is offered on the basis of an address that is subsequently found to be different from a child's normal and permanent home address, then that place is liable to be withdrawn.

#### 12. Waiting lists

Parents whose children have not been offered a place at one or more of their preferred schools will be informed of their right of appeal and will be added to their preferred schools' waiting lists. Parents will be advised that inclusion on a school's waiting list does not mean a place will eventually become available there.

Waiting lists will not be fixed following the offer of places; they are subject to change. This means that a child's waiting list position during the year could go up or down. Any applicants to whom it is not possible to offer a place will be added to each school's waiting list in accordance with the relevant oversubscription criteria.

School Admissions and Pupil Placements Service, on behalf of the Local Authority, will maintain waiting lists for community and voluntary controlled schools for the first term of the academic year of admission.

At the start of the Spring Term each year, School Admissions and Pupil Placements will pass community and voluntary controlled school waiting lists to the schools themselves. Schools may wish to write to parents/carers to establish if they wish for their child to remain on a waiting list.

Waiting lists for voluntary aided and foundation schools, Academies and free schools in Birmingham will be maintained by the schools and Academies on behalf of their Governing Bodies. The Local Authority may require sight of the waiting lists at these schools, in order to determine that the co-ordinated scheme is operating effectively.

## 13. Appeals

Where parents are not satisfied with the school offered, arrangements exist for appeals to be heard by an Appeals Panel, which is independent of the admission authority for the school.

Parents can only appeal for schools for which they have expressed a preference.

In the case of infant class size appeals, because infant classes have a legal limit of 30, Appeals Panels are limited in the matters they can take into account when considering Reception, Year 1 and Year 2 appeals in which the admission of more pupils would cause this limit to be exceeded. In this type of appeal, an Appeal Panel can only uphold an appeal if it is satisfied that:

- the admission of additional children would not breach the infant class limit; or
- the admission arrangements did not comply with admissions law or had not been correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

Appeals in respect of community, voluntary controlled schools and academies should be sent to Birmingham's School Admissions and Pupil Placements Service. Appeals in respect of voluntary aided and foundation schools, the King Edward VI schools and Holyhead School should be sent to the Governing Body of the school(s) concerned.

#### 14. In Year Fair Access Protocol

Fair Access Protocols exist to ensure that access to education is secured quickly for children who have no school place but for whom a place at a mainstream school or alternative provision is appropriate, and to ensure that all schools in an area admit their fair share of children with challenging behaviour, including children excluded from schools. The Birmingham Schools Admission (representing all admission authorities of maintained schools and Academies in the City) has agreed to ensure that access to education is secured quickly and sympathetically for children who have no school place, and to ensure that all schools in an area admit their fair share of children with challenging behaviour by the use of Fair Access Sharing Panels.

The operation of the Fair Access Protocol is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under the in-year admission arrangements.

All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly.

## 15. Year 12 entry requirements for Community Schools

Each school which admits pupils into Year 12 is required to publish in the school prospectus the minimum requirements for entry in the sixth form.

Pupils will be considered for entry into Year 12 based upon their academic attainment and/or individual subject grade criteria and the availability and suitability of courses at the school. Entry to Year 12 is not dependent upon attendance or behaviour records. Applicants refused a place in Year 12 are entitled to appeal to an independent appeal panel.

Year 12 places are not coordinated by the Local Authority and applications should be made directly to the school(s) concerned.

#### 16. Relevant area

In accordance with the School Standards and Framework Act 1998, Birmingham Local Authority has determined its relevant area as that contained within the administrative area of the City of Birmingham. It is proposed that this arrangement will continue for 2013/2014.