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Admissions and Appeals Policy

2020/2021

Review Date:

February 2019

Approved: Governors' Q&S, Spring 2019

To Be Reviewed: Spring 2020

Policy Lead:

T Wharton



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ADMISSION OF STUDENTS

Holyhead is an Academy, co-educational, admitting students in Year 7 (roll 1050) and Sixth Form (roll depending on applications)

Policy and Numbers

Students will be admitted at age 11 without reference to ability or aptitude. The number of intended admissions for Year 7 in 2020 will be 210.

Children with Educational Health Care Plans (EHCP) is required to be admitted to the school that is named in the EHCP. This gives any such child overall priority for admission to the named school.

Over Subscription

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:

Criteria	1. Looked after or previously looked after children.
	2. Children with a brother or a sister already at the academy who will still be in attendance in September 2020.
	3. Children of staff at the school where a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made or b) the member of staff is recruited to fill a vacant post for which there is a demonstrable shortage
	4. Children who live nearest the academy. Within each of these categories, priority is given to those who live nearest the academy, calculated on the basis of a straight-line measurement between home and academy.
Children with an Education Health and Care Plan	Any child with an Education Health and Care Plan is required to be admitted to the academy that is named in the plan. This gives such children overall priority for admission to the named academy. This is not an oversubscription criterion.
Looked after or previously looked after children	Children who are looked after or immediately after being looked after became subject to an adoption, child arrangement order 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 22(1) of the Children Act 1989, is remanded or detained into Local Authority accommodation under Criminal Law or who has been placed for adoption.

	<p>In the case of previously looked after children, admission authorities may request a copy of the adoption order, child arrangements order or special guardianship order and a letter from the local authority that last looked after the child confirming that he or she was looked after immediately prior to that order being made.</p>
Sibling	<p>Siblings (brothers or sisters) are considered to be those children who live at the same address and either:</p> <ul style="list-style-type: none"> i. have one or both natural parents in common; <p>or</p> <ul style="list-style-type: none"> ii. are related by a parent's marriage; <p>or</p> <ul style="list-style-type: none"> iii. are adopted or fostered by a common parent. <p>Unrelated children living at the same address, whose parents are living as partners, are also considered to be siblings.</p> <p>Children not adopted or fostered or related by a parent's 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.</p>
Distance	<p>Distances are calculated on the basis of a straight-line measurement between the applicant's home address and the main school 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 academy.</p> <p>A student's home address is considered to be a residential property that is the child's only or main residence at the time places are allocated and is either;</p> <ul style="list-style-type: none"> • 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.
Shared Responsibility	<p>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 support the address used.</p> <p>If a school is allocated 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.</p>

Final Qualifier	<p>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.</p> <p>For example, this may occur when children in the same year group live at the same address, or if the distance between the home and academy 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.</p> <p>In the event of this occurring with twins or other multiple birth applicants, academies will be asked to admit over their Published Admission Number to accommodate the pupils.</p>
Waiting Lists	<p>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 will be added to the academy's list in accordance with the order of priority for offering places. Waiting lists will be maintained until the end of each academic year.</p>
Appeals	<p>Where parent/carer(s) are not satisfied with the school allocated, arrangements exist for appeals to be heard by an Appeals Panel, which is independent of Holyhead School.</p> <p>Appeals in respect of Admission to Holyhead School should be sent to the Consultant Clerk to the Governing Body at the school's address, in accordance with prescribed procedures.</p>
In Year Applications	<p>Applications made outside the normal admissions round (in-year admissions) should be made directly to the academy. Parents/carers can apply for a place for their child at any time and to any academy. On receipt of an in-year application, the academy will 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 academy places in Birmingham.</p>

Applications

All applications from Parents/Carers of Year 6 students must be submitted to the Local Authority in accordance with their outlined procedure and by the date specified. After that date, all applications should be submitted to the school.

Late Applications (Year 6 transfer to Year 7 for September 2020 entry)

Any applications for secondary schools received after 31st October 2019(the final

closing date) and before the 1st March 2020 (allocation of school places) will be treated as late applications by the Local Authority.

Any request to change the order of preference or to apply for any other school after the final closing date will be treated as a late application. Late applications will only be considered for places after other applications that were received by the final closing date. Therefore, late applicants may be less likely to be offered a place at one of their preferred schools.

Applications for Holyhead School made after 1st September 2020 will be required to be submitted on In-Year Admissions form and sent directly to the school.

All school places are offered on the basis that the information provided is correct. The school reserves the right to withdraw any offer on the basis of a fraudulent or intentionally misleading application.

Admissions Criteria for Holyhead Sixth Form

Every year a proportion of students from Year 11 enter the Sixth Form to continue their studies and students from other schools and colleges may be eligible to join them.

Sixth Form Capacity

September 2020 – Year 12	130
Year 13	150

Internal applicants

Priority for places is given to students in Year 11 currently on roll who meet the entry requirements for Sixth Form courses.

If the number of applications exceeds the admission number, the governors will give priority to applications in accordance with the criteria in the order listed, depending upon applicants achieving the relevant entry requirements for individual subjects.

External applicants

Applications from internal candidates who meet the academic requirements will be considered first.

For external applications the remaining places available on a particular course will be offered to those who have the better grades at GCSE or subject specific requirements.

Advice and guidance

All students will receive advice and guidance to support them in making the correct post-16 choices.

Academic entry requirements:

All students are required to meet the following academic entry requirements to be considered for a place at Holyhead Sixth Form:

AS/Year 1 of A Level/Level 3 BTEC courses (including Applied 'A' levels):

- A minimum of 5 GCSEs at Grade 4/C and above (to include Maths and English at Grade 4 or above)
- A Grade 6/B (or Grade 6 in Maths and English) in a subject studied at GCSE for which they intend to study at A Level , e.g. History A Level requires a Grade 6 in History at GCSE

Should students not meet these initial entry requirements they will not be offered a place to study at Holyhead Sixth Form to follow a Level 3 programme.

With the vast majority of subjects still sitting AS Level exams there is an additional entry requirement for students to continue into the Year 13 part of a course in individual subjects:

- A minimum of Grade D and above at AS Level in the subject
 - A minimum of a Merit in BTEC/Level 3 Applied General/Technical subjects
- (Students not meeting this requirement for a subject will be provided with an

alternative subject option)

Over subscription criteria

The over-subscription criteria of looked after children, siblings and distance will only be used if the number of external candidates exceeds the amount of places the school is able to admit.

1. Looked after Children (in public care)

Children who are looked after or immediately after being looked after became subject to an adoption, child arrangement order 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 22(1) of the Children Act 1989, is remanded or detained into Local Authority accommodation under Criminal Law or who has been placed for adoption.

2. Siblings

Children (siblings) with an older brother or sister already at the school who will still be in attendance at the time the sibling enters the school.

Siblings (brothers or sisters) are considered to be those children who live at the same address and either:

- a. have one or both natural parents in common; or
- b. are related by a parent's marriage; or
- c. 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 parent's 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.

2. Children of staff at the school

- a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made or
- b) the member of staff is recruited to fill a vacant post for which there is a demonstrable shortage

3. Children who live nearest the school

Thereafter, children will be admitted on the basis of distance between their home address and the school gate on Milestone Lane. Distance will be calculated according to a straight line measurement between the applicant's front door to their home and the school gate on Milestone Lane (as the crow flies).

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 legal limit to be exceeded, the local authority will use a computerised system to randomly select the child to be offered the final place.

A student's home address is considered to be a residential property that is the child's only or main residence at the time places are allocated and is either;

- a. Owned by the child's parent/carer(s), or the person with parental responsibility for the child or
- b. Leased to or rented by the child's parent/carer(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 parent/carer(s) have shared responsibility for a child, and the child lives with both parent/carer(s) for part of the week then the main residence will be determined as the address where the child lives the majority of the week. Parent/carer(s) may be requested to supply documentary evidence to support the address used for the allocation.

If a student is allocated a place 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.

Appeals

Where applicants are not satisfied with the school's decision, arrangements exist for appeals to be heard by an Appeals Panel, which is independent of Holyhead School.

Appeals in respect of Admission to Holyhead Sixth Form should be sent to the Consultant Clerk to the Governing Body at the school's address, in accordance with prescribed procedures.

Unsuccessful applicants will be informed of their right to appeal and asked if they wish to go on to Holyhead's waiting list, which will be held for at least one term in the academic year of admission.

Waiting List

Children named on the waiting list will be ranked in the same order as Holyhead's published over-subscription criteria.

Should places become available at Holyhead, an offer to students from the waiting list will be made.

Inclusion on Holyhead's waiting list does not mean that a place will eventually become available. It may be that those already allocated places do not give them up and that Holyhead is unable to make further offers in the future.

ADMISSIONS APPEAL PANEL

Introduction

This Panel was constituted by the Governing Body (hereafter referred to as the Admission Authority) in accordance with the School Standards and Framework Act 1998, the Education Act 2002, Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Human Rights Act 1998 and the Code of Practice on School Admission Appeals.

1. The Admissions Appeal Panel comprises three or five members and is entirely independent of the Governing Body which, as the Admission Authority, made the decision that is being appealed against.
2. The members appointed to the Admissions Appeal Panel must come from the following categories:
 - a) People who are eligible to be lay members. This means people without personal experience or management of any school or the provision of education in any school (disregarding experience as a school governor or in any other voluntary capacity). There must be at least one lay member of the Admissions Appeal Panel.
 - b) People who have experience in education; or who are acquainted with educational conditions in the area; or who are parent/carer(s) of a registered student at another school. At least one member of the Admissions Appeal Panel must fall into this category.

Procedure

3. The Consultant Clerk to the Governing Body, or representative, acts as the Committee's Clerk. The Consultant Clerk is responsible for convening meetings of the Admissions Appeal Panel at a time suitable to the members and any individuals appearing before it, circulating to members before the meeting all the relevant papers, making a record of the proceedings of the meeting, and recording the Panel's decisions and the reasons for them. The Consultant Clerk will not participate in the deliberations of the Panel but will be present at the time to advise on procedural matters.
4. The parent/carer(s) will have been advised of the reason why their application for their child to attend Holyhead School had not been granted.
5. When parent/carer(s) have been advised of the unsuccessful outcome of their application for their child to attend Holyhead School, parent/carer(s) will also have been informed that they can give notice of appeal. Those parent/carer(s) who so do, will be sent an Appeals Pack. This will consist of:
 - a) An Admission Appeal Form and the date by which it must be returned
 - b) A copy of the Admissions & Appeals Policy which includes:
 - The Constitution and Procedure of the Admissions Appeal Panel
 - The Criteria for Admission

- c) The school's statement which will also be presented to the Appeals Panel
6. The Consultant Clerk is responsible for ensuring decisions are received by the appellant.

Basis of Appeal

7. The Admission Authority has a duty to comply with an expressed parental preference of parent/carer(s) for their child to attend Holyhead School unless to do so would:
- a) prejudice the provision of efficient education or the efficient use of resources
 - b) be incompatible with the approved admission arrangements
 - c) admit a student who has already been permanently excluded from two or more schools

Notices of Appeal – Procedure for Parent/carers

8. An appeal should be made in writing to the Consultant Clerk of the Admissions Appeal Panel setting out the grounds on which it is made.
9. The appeal should be accompanied by any copy documents which the appellant intends to produce.
10. The appeal should be lodged in accordance within the time specified and not more than 20 working days from the date of notification to parent/carer(s) that their application for a place at the school was unsuccessful.
11. On receipt of a notice of appeal by parent/carer(s), the Admissions Appeal Panel:
- a) will afford the appellant the opportunity of appearing and making oral representation
 - b) will allow the appellant to be accompanied by a friend/adviser or be represented by a friend/adviser
 - c) will allow the Admission Authority to make written and oral representations
12. Parent/carer(s) are encouraged to attend. However, they are hereby advised:
- a) that they may elect not to attend in which case the Admissions Appeal Panel would rely on their written statements
 - b) that, otherwise, if they do not attend and it is not reasonably practical to offer an adjourned hearing date, the appeal will have to be held and decided on what information is available
 - c) the child will not normally be in attendance
13. Unless the appellant has consented in writing to a lesser period, the appellant will be given at least fourteen (14) days' notice to the date of the meeting of the Admissions Appeal Panel at which the appeal is to be heard.
14. At least seven (7) days before the hearing the Consultant Clerk to the

Admission Authority will dispatch to the parent/carer copies of further information or documents that are to be put before the Admissions Appeal Panel. Substantial new issues raised for the first time at the hearing may have to be adjourned to allow any party taken by surprise to consider the issues.

Organisation of Appeals

15. The Admission Authority wishes to emphasise the over-riding need for fairness to each individual, and the need to ensure that each appellant is exercising a genuine right of appeal in accordance with the principles of natural justice.
16. The Admissions Appeal Panel will consider all appeals before making and announcing any decisions.
17. As the Admission Authority has decided that the Admissions Appeal Panel should have a membership of three or five persons, the absence of any member during the proceedings and when a decision is reached, may invalidate those proceedings. The decision on an appeal must be taken by the full Admissions Appeal Panel. If, therefore, a member has to withdraw before the decision has been reached, a new Admissions Appeal Panel will need to be appointed to consider the appeal.

Conduct of Hearings

18. Although part of the legal system, the atmosphere at a hearing will be one of informality where the parties can put their case simply.
19. At the start of the hearing the Chairman will welcome the parties, introduce those present, explain the Consultant Clerk's role (i.e. giving procedural advice to the Admissions Appeal Panel, recording its decisions and the reason(s) for them, notifying the parent/carer(s) accordingly but not taking any part in the decision-making process), the Presenting Officer, stress the informal nature of the proceedings, and state that the decisions of the Admissions Appeal Panel are binding upon the Admission Authority.
20. The Order of Hearing will normally be:
 - a) the case for the Admission Authority not to admit the child will be submitted by the Presenting Officer (not a member of the Admissions Appeal Panel) who must present their decision as clearly as possible, giving all the relevant information. The Officer will be prepared to answer detailed questions about the case being heard and questions about the school and its admission arrangements
 - b) questioning by the parent/carer(s)
 - c) the case for the parent/carer(s)
 - d) questioning by the Admission Authority
 - e) summing-up by the Admission Authority
 - f) summing-up by the parent/carer(s)

(Any member of the Admissions Appeal Panel may ask questions at any time if they require clarification of what is being said or if they need more information in order to reach a decision, but such questions must be put before the summing-up process commences)

NB The Admissions Appeal Panel will not allow oral information to be submitted to them in the absence of the appellant, nor will it consider

written matter unless it has been sent by the appellant.

Private Hearing

21. All appeals will be heard in private.
22. All appeals will be held individually.

Decisions of the Admissions Appeal Panel

23. The “two stage process” applies to all prejudice appeals:
 - a) a **Factual Stage**: at which the Panel considers whether the school’s published admission arrangements were correctly applied in the individual’s case, and decides whether ‘prejudice’ would arise were the child to be admitted. The onus at this stage is on the representative of the Admission Authority
 - b) a **Balancing Stage**: for the Panel to exercise its discretion, balancing between the degree of prejudice and the weight of the parental factors, before arriving at a decision.
24. The decision of the Admissions Appeal Panel on any appeal is binding on the persons concerned and on the Admission Authority. It can only be overturned by the Courts.
25. The decision of the Admissions Appeal Panel and the grounds on which it was made will be communicated by the Consultant Clerk, in writing, to the appellant and the Admission Authority within seven days.
26. The decision will state, in relation to an unsuccessful appeal, that admission to the school cannot be given for whatever reasons were accepted by the Admissions Appeal Panel, specifying:
 - a) if it would prejudice the provision of efficient use of resources
 - b) if it would be incompatible with the approved admissions arrangements
27. In either event the decisions will be fully and clearly expressed and be capable of being understood by a lay person.
28. Although parent/carer(s) who have appealed unsuccessfully can reapply for a place at the school in a later academic year, and have the right of appeal if unsuccessful, no further appeal will be considered during the current academic year unless there has been a significant material change in the circumstances of the parent/carer(s), child or school relevant to a further application.
29. Parent/carer(s) should be aware that a complaint may be made to the Secretary of State for Education for Local Government Ombudsman if they consider the Admission Authority has acted unreasonably or failed to discharge duties imposed on them by Education Acts in exercising all the relevant responsibilities falling upon it in relation to admission to the school. **This is not a right of appeal and must be related to mal-administration and not on the belief that the decision is wrong.**

30. Parent/carer(s) should note, however, that the Secretary of State should not be regarded as a further “court of appeal” in terms of dissatisfaction with the decision of the Admissions Appeal Panel; his/her responsibilities are concerned with specific complaints as indicated in the previous paragraph and his/her powers of intervention are extremely limited.

Definition of Terms

31. In this Memorandum the term ‘parents’ is deemed to include the guardians of a child, and whilst used in the plural, applies equally to one-parent families.

Review

32. This policy will be reviewed annually by T.Wharton.

Review Date: Spring 2019
Next Review Date: Spring 2020
Policy Lead: T Wharton

Written Case for Appeals' Hearings

Holyhead School is an extremely popular 11-19 co-educational academy, purpose built in 1977 to allow for the admission of 180 students in each year and 70 staff.

The school, in attempting to meet the needs of the local community, has endeavoured to satisfy demand by offering places to 210 students in each year group and the school now has over 160 staff. This has caused accommodation issues. Overcrowding has caused problems and our admission limit will need to be maintained at 210 students per year as an absolute maximum for the immediate future.

Although the school's popularity is a tremendous accolade for all associated with Holyhead, there needs to be an appreciation and acceptance by Admissions Appeal Panels that every additional student over and above the 210 limit adds substantially to the demands of our already crowded school. Many of the classrooms available for use are of below average size and this has necessitated dividing our intake into 8 rather than 7 groups teaching groups in years 7, 8, and 9, with considerable consequential on-costs. Despite this, demand for places has still resulted in classes of around 30 in some subject areas. This is unacceptable in rooms that are barely fit for purpose at present as confirmed by the local authority's decision to include Holyhead in the recent BSF programme. Due to these on-going accommodation problems the school was due to be rebuilt completely in January 2010. However, once again, funding was withdrawn at the last minute.

Many specialist areas including Science Laboratories and Technology rooms are in need of refurbishment and will not meet health and safety requirements if the number of students continues to rise. We have to use 20 mobile classrooms on site and two further classrooms at Wattville Primary School to help us to timetable the curriculum at peak times.

The school has major concerns regarding the sheer number of students centred on corridors and stairs at change of lessons. This has health and safety implications and often inhibits an effective start to many classes. The school must be one of only a few in the UK with no hall and therefore school assemblies are only possible through hiring an external venue!

Holyhead has a disproportionate number of students on the Special Educational Needs register for Learning and Social and Emotional Difficulties. This include 6 students with Education Health Care Plans and further students under consideration for this support. Unlike many schools in the North West of Birmingham, Holyhead does not have a designated Learning Support Unit, nor does it benefit from BIP/BEST monies which are of great assistance to schools in managing admissions especially for students with behavioural problems.

Our Student Support and Welfare Officers have considerable caseloads and waiting lists. We currently make use of two further agencies to support behaviour and employ a counsellor for two days a week. Again, caseloads are at capacity with a number of students awaiting a referral. This has led to many students needs not being met effectively.

In summary, Governors have major concerns about the admission of any further students through the Appeals process. Since September 2005, Holyhead has taken a large number of students through Appeals and Fair access protocol and following referral from the North West Shared Provision Panel, some of whom have been permanently excluded from other schools.

Teaching classes of around 30 is not appropriate in ensuring students are able to access learning effectively. Governors, Parents and Professional Associations are very concerned about this situation at present. Governors feel any further admissions over and above the agreed limit would be incompatible with the efficient education of students currently on roll.