

# **DETERMINED SCHEME FOR THE CO-ORDINATED ADMISSIONS TO SCHOOLS AND ACADEMIES – SEPTEMBER 2021/2022**

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## **1. Relevant area**

- 1.1 In accordance with The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999, 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 2021/2022.

## **2. Background**

- 2.1 This scheme applies to all primary and secondary maintained schools, academies, free schools, university technical colleges, foundation, voluntary aided (excluding special schools) in Birmingham for the academic year 2021 / 2022 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 2012.
- 2.2 The School Admissions and Fair Access Service, on behalf of the Local Authority and other admission authorities in Birmingham, will co-ordinate 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 selected 14-19 Academies, Year 10). Parents/carers resident in Birmingham who are applying for a place for their child in September 2021 will make a single application to the Local Authority (School Admissions and Fair Access Service) for any Birmingham maintained school, academy or free school or any such school or academy in a neighbouring authority.
- 2.3 For the academic year 2021 / 2022 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.
- 2.4 Birmingham City Council is the relevant admission authority for all community and voluntary controlled schools within the City.
- 2.5 For academies and free schools (including Trust schools), their Trust or board of directors is the admissions authority. For Voluntary aided and foundation schools, governing bodies of such schools are the admissions authority.
- 2.6 Co-ordination schemes do not affect the rights and duties of the governing bodies of academies, free schools, university technical colleges, foundation, voluntary aided to set and apply their own admission arrangements and oversubscription criteria, but they must ensure that their own arrangements are compatible with the Local Authority's admission arrangements and co-ordinated scheme.

### **3. Admission Authority for each type of school in Birmingham**

There are a number of different school types in Birmingham:

<b>Type of School</b>	<b>Who is the admission authority?</b>
Academies (inc. Free Schools)	Academy Trust
Community Schools	Local Authority
Foundation Schools	Governing Body
Voluntary Aided Schools	Governing Body
Voluntary Controlled Schools	Local Authority

### **4. Parents' right to apply for a school**

- 4.2 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.
- 4.3 Subject to certain exceptions an admission authority must comply with any preference expressed by a parent/carers as to the school at which their child should be educated.

#### Exceptions

- 4.4 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.

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

#### All rounds

- 5.1 Applications made on behalf of children with an Education Health and Care Plan 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.

- 5.2 Birmingham Local Authority's School Admissions and Fair Access Service will obtain names of children who are looked after by Birmingham and will verify details for those applicants who indicate that their child was previously looked after but ceased to be so because they were adopted (or became subject to a child arrangement or special guardianship order) within the appropriate age range). Places for these children will be considered in accordance with each school's admission criteria. **Evidence may be requested from carer's whose children are looked after or were previously looked after by another Local Authority.**

#### **Children adopted from state care outside of England**

Children who appear (to the admission authority for the school) to have been in state care outside of England and ceased to be in state care as a result of being adopted will be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). These children are referred to as internationally adopted previously looked after children – "IAPLAC".

Evidence will be required from the carer confirming that their child meets the above criteria in accordance with the DfE's non-statutory guidance on the admission of IAPLAC. The admission authority for the school may be required to check with colleagues from the Birmingham Virtual School about the acceptability of any evidence provided by the carer of an IAPLAC before considering their child's application under this criterion.

#### Starting Reception Class

- 5.3 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
- 5.4 By law, parents must ensure that their children are receiving suitable full-time education at the beginning of the term after their 5th 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.
- 5.5 Parents may, however, defer their child's admission to primary or infant school until later in the school year, but not beyond the beginning of the first academic term after the child's fifth birthday (the time when the child reaches compulsory school age) and not beyond the beginning of the final term of the school year of which the offer was made. Alternatively, a parent has the right for their child to be admitted on a part-time basis

during the Reception Class year but not beyond the point that they reach compulsory school age. In both cases above a school place is held for the child until they take it up.

- 5.6 A child who reaches the age of five during the 2021/2022 summer term would reach compulsory school age in September 2022. However, it is not possible to accept a place in the Reception Class for September 2021 but defer the child's admission until the beginning of the 2022/2023 academic year, and if a child did not take up their place in a Reception Class in 2021/2022 a separate in-year application would need to be made for the child to enter the school in Year 1.
- 5.7 Parents of children who reach the age of five during the summer term of the 2021/2022 academic year who are considering deferring their child's admission to primary or infant school until the beginning of the 2022/2023 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 if they apply for a place in Year 1 (these places having been allocated to children who started school the previous year).
- 5.8 For children born in the summer, parents/carers may believe it to be in their child's best interests to be admitted to Reception Class rather than Year 1, outside their child's normal age group. These requests will be considered by the admission authority of the school(s) and a decision made on the basis of the circumstances of each case and also in the best interests of the child concerned. **Parent/carers must contact the relevant admission authority directly to request deferment, for schools where Birmingham Local Authority is not the admission authority (non-Community/Voluntary Controlled Schools). Parents will be required to provide evidence that they have requested and had deferment approved by the admission authority for that school. Parents do not have the right to insist that their child is admitted to a particular age group including reception.**

### 5.9 Implications of deferred entry to school

Placement outside a child's chronological year group must be considered to be in the best interests of the child. The decision could potentially have long-term effects and it is therefore important to establish the reasons for the request to delay starting school. It is also important to anticipate what will happen when your child would be old enough to transfer to secondary school, to leave statutory education and the timing of any consequent examinations. Some points to consider:

- Your preferred school may not have space in the following year to accommodate your child.
- As your child matures they may realise that the rest of their class are of a different age, causing adverse emotional impact.

- Admission authorities (e.g. academies) will be the decision makers and as they are independent of the local authority may choose to decline a deferral request.
- As the law currently stands, a child who starts Reception a year behind cohort will need to request a formal deferral to progress through each phase of education with their adopted cohort (for example to apply for a deferral to secondary phase when a child is in year 5.)
- A child applying for a selective school (e.g. grammar school) may be subject to a weighting in their selective test due to being older than other children in their cohort.
- If your child reaches school-leaving age before they have completed their Key Stage 4 curriculum, they may decide to leave school without completing formal examinations.

5.10 Where a parent wishes to request admission out of the normal age group for their child, they should still make an application for their child's normal age group at the usual time. At the same time, the parent should submit their request for their child to be admitted out of their normal age group to the relevant admission authority, (this is BCC for all community and voluntary controlled schools), together with supporting evidence.

5.11 Admission authorities (**the school in question, not the Local Authority**) must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking into account the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if were not for being born prematurely. They must also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision. The admission authority must ensure that the parent receives the response to their request before primary national offer day.

5.12 If the request is agreed, the application for the normal age group may be withdrawn and the parent must make a new application for a place in Reception Class as part of the main admissions round the following year. If the request is refused, the parent must decide whether to accept the offer of a place for the normal age group, or to refuse it and make an in year application for admission to Year 1 for the September following the child's fifth birthday.

5.13 One admission authority cannot be required to honour a decision made by another admission authority on admission out of the normal age group. Parents, therefore, should consider whether to request admission out of the normal year group at all their preference schools, rather than just their first preference schools.

- 5.14 Parents have the right to appeal against the refusal of a place at a school for which they have applied but cannot appeal if they are offered a place but not in their preferred age group.
- 5.15 In October 2020, the local authority will write or make arrangements to inform parents/carers of children who are on roll at a community or private nursery, via the nursery advising them of how to apply for a Reception Class place online and of where to view the primary prospectus.
- 5.16 The statutory closing date is 15 January 2021. Applications received after this date will be treated in accordance with the procedure for late applications. Proof of address may be required to be provided to the School Admissions and Fair Access Service.
- 5.17 Parents will be allowed to express up to three preferences for their child to be admitted to any maintained primary or infant school or academy or free school inside or outside the Birmingham Local Authority area.
- 5.18 Applications made online will receive an immediate email confirmation when the application is submitted as long as an email address is provided.
- 5.19 Data will be exchanged with other admission authorities and other local authorities as detailed in Section 7.
- 5.20 The School Admissions and Fair Access Service will send details of any siblings included in a parent's application to schools and academies for verification.
- 5.21 The School Admissions and Fair Access 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 as a preference will be offered.
- 5.22 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 closest Birmingham all state funded primary or infant schools with a vacancy.
- 5.23 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.

#### Transfer from Infant School to Junior School (Year 2 to Year 3)

- 5.24 if a child attends an infant school, it is necessary for the child to transfer to a different school for his/her junior education.

- 5.25 In October 2020, parents/carers with a child in Year 2 at an infant school will be sent a letter via the school advising them how to apply online for a Year 3 place at a junior school or any other junior school. The same timetable and process as Reception Class admissions above will be used. Parent/carers can express up to three preferences in total, however they must consider that applying for a junior school other than the school that is linked to their child's current infant school, means that their child is less likely to be offered a place at that school, as children that already attend the linked infant school get higher priority for a place at that Junior School.
- 5.26 Applications made online will receive an immediate email confirmation when the application is submitted as long as an email address is provided.
- 5.27 If a child attends a primary school (rather than an infant school) it is **not** necessary to apply for him / her to transfer at the end of Year 2.

#### Transfer from Year 6 to Secondary School

- 5.28 At the end of the Summer Term 2020, Birmingham Local Authority will invite parents of children who will transfer to secondary education in September 2020 to complete an online application form. The online system will be available from September 2020.
- 5.29 All parents will be required to make an application to the Local Authority in which they live. By the second week in July 2020, 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 them to distribute to their Year 5 children living in Birmingham, inviting their parents/carers to make their application for a secondary school place online. Birmingham Local Authority's prospectus will be available to view on the Birmingham City Council's website.
- 5.30 Parents of children who live in Birmingham but whose children attend a primary school outside Birmingham will be advised to make their application online by 31 October 2020.
- 5.31 Online applications will be accepted up until 31 October 2020, which is the statutory 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 8.
- 5.32 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 Trust for academies and free schools). No other separate application form will be required by admission authorities in Birmingham; however, some voluntary controlled 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. These schools will be listed in Birmingham Local Authority's prospectus on the School Admissions website.

- 5.33 Parents may express up to six preferences for their child to be admitted to any maintained school, Academy or Free School inside or outside Birmingham Local Authority.
- 5.34 Applications made online will receive an immediate email confirmation when the application is submitted as long as an email address provided.
- 5.35 Data will be exchanged with other admission authorities and other local authorities as detailed in Section 7.
- 5.36 The School Admissions and Fair Access 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 as a preference will be offered.
- 5.37 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 or free schools with a vacancy.

#### Year 10 (in the case of 14-19 academies)

- 5.38 At the start of the Autumn Term 2020, parents who wish to make an application for their child to transfer to Year 10 at selected 14 -19 Academies in September 2021 will be able to make their application online. The online system will be available from September 2019.
- 5.39 Some 14-19 Academies in Birmingham will not be part of the co-ordinated scheme, details will be published in Birmingham's composite prospectus of which academies this affects. For these academies parent/carers will need to apply directly to them.
- 5.40 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.
- 5.41 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.
- 5.42 Applications made online will receive an immediate email confirmation when the application is submitted as long as an email address provided.
- 5.43 Data will be exchanged with other admission authorities and other local authorities as detailed in Section 7.

- 5.44 The School Admissions and Fair Access 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.
- 5.45 Children who live in Birmingham who have not been offered one of their parents' three preferences will continue to have a place at 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**

- 6.1 In determining applications for school places admission authorities must usually comply with parental preference.
- 6.2 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.

### Children with challenging behaviour and those who have been excluded twice

- 6.3 Admission authorities must not refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so), and EHC plans.

**7. Timetable for primary and secondary normal admissions rounds for 2021/2022**

	<b>Reception</b>	<b>Junior (Yr 2- 3)</b>	<b>Secondary (Yr 6 – 7)</b>	<b>Year 10 (14-19 academies)</b>
<b>Birth range</b>	01/09/16-31/08/17	01/09/13-31/08/14	01/09/09-31/08/10	01/09/06-31/08/07
<b>Rounds open</b>	1 October 2020	1 October 2020	1 September 2020	1 September 2020
<b>Final closing date for receipt of applications</b>	15 January 2021	15 January 2021	31 October 2020	31 October 2020
<b>Rounds Close (Applications will need to be made via the in-year process after this date)</b>	31 July 2021	31 July 2021	31 July 2021	31 July 2021
<b>Data exchange with other Local Authorities</b>	28 January 2021	28 January 2021	12 November 2020	12 November 2020
<b>Unranked preferences forwarded to Birmingham Admission Authorities</b>	14 February 2021	14 February 2021	25 November 2020	25 November 2020
<b>Sibling reports sent to schools and academies</b>	10 February 2021	10 February 2021	25 November 2020	25 November 2020
<b>Ranked preferences from Birmingham Admission Authorities and sibling reports from community schools/academies to be returned to Birmingham LA</b>	28 February 2021	28 February 2021	16 December 2020	16 December 2020
<b>Offer exchange with other Local Authorities</b>	11 March 2021 25 March 2021 31 March 2021	11 March 2021 25 March 2021 31 March 2021	14 January 2021 28 January 2021 4 February 2021 18 February 2021	18 February 2021
<b>Offer day – Notifications sent</b>	16 April 2021	16 April 2021	1 March 2021	1 March 2021
<b>Acceptance of any offer should be made by this date</b>	30 April 2021	30 April 2021	15 March 2021	15 March 2021
<b>Any appeal should be received by this date. (20 school days following notification that)</b>	17 May 2021	17 May 2021	29 March 2021	29 March 2021

Appeals received on-time should be considered by this date (40 school days)	19 July 2021	19 July 2021	17 June 2021	17 June 2021
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## 8. Late applications

8.1 Applications received after the statutory closing dates (31 October 2020 for Secondary and 14-19 Transfers and 15 January 2021 for Reception and Year 2-3 Transfers) will only be considered after applications received on time.

8.2 Birmingham City Council is unable to consider any late applications with exceptional circumstances as on time after the 9 November 2020 for Secondary and 14-19 Transfers and after 25 January 2021 for Reception and Year 2-3 Transfers, as the council will be exchanging data with other admission authorities, including neighbouring councils, as part of the coordinated admissions scheme. Birmingham City Council will only consider applications received after the closing date as on time if there were exceptional reasons which prevented the parent/carer from applying by the closing date:

- A child and the person with parental responsibility have moved home.
- Where the local authority has contacted that parent/carer regarding the information contained within their application, for example, an incomplete application or potentially misleading information requiring further investigation

8.3 If you feel you meet the exceptional circumstances as above, you must submit your late application together with evidence/documentation supporting your exceptional circumstances to Birmingham Local Authority for Secondary and 14-19 Transfers between 2 November 2020 and 9 November 2020 and for Reception and Year 2-3 Transfers between 18 January 2021 and 25 January 2021.

### **Important:**

8.4 Your evidence must be marked **Exceptional Circumstances** along with your online application reference number e.g. **330-2021-09-E-897451** and you **must** explain your exceptional reasons and attach any relevant documents/evidence, if applicable. **We can only consider applications submitted as late but with exceptional circumstances if the above process is fully adhered to. Evidence/documentation will not be requested by Birmingham Local Authority to support late applications (further to the above). Evidence/documentation must be sent in with the email as stated above by the parent/carer.**

8.5 Parent/carers that fully adhere to 8.3 and 8.4 above will have their late applications considered by Birmingham Local Authority on a case by case basis. Those that we do consider as having exceptional circumstances preventing them applying on time will be processed as on time

applications, those that are not considered exceptional will be treated as late applications. Parent/carers will be informed by email of our decision and that decision is final.

- 8.6 If parents/carers submit subsequent application(s) after their original application and after the final closing dates (see 8.3 above), they will be restricted to a maximum of six live preferences for secondary and a maximum of three live preferences for reception at any one time. This does not impact parents/carers' right to express changes in preference for other schools, however if they do wish to do so, they must carefully consider which preferences they wish to keep and which they wish to remove. Families must also be mindful that if they remove a preference for a school where their child has been offered a place, Birmingham Local Authority will not automatically make a further offer at another school. Parents/carers must also consider the impact on any offer of a school place, place on a waiting list or the appeal process the schools they remove as preferences. The maximum of six preferences for secondary schools also includes grammar schools. When places are offered in March (secondary) and April (reception), Birmingham City Council will make one offer of a school place for each child. If parents/carers then make changes to their live preferences and these changes overwrite the school place offered, this offer will be withdrawn and no further offer will be made at an alternative school unless a place can subsequently be offered at one of their preferred schools due to waiting list movement. However, inclusion on a school's waiting list is not a guarantee of a place becoming available. Any changes made to live preferences that overwrite the schools a child is currently on the waiting list for will cause the child to be removed from that waiting list. Changes to live preferences that overwrite schools that parents/carers have previously submitted an appeal for will cause the appeal to be withdrawn.
- 8.7 Following the offer of places if parent/carers submit a change of order for preferences for all schools they have already applied for, that these changes in order will be disregarded. All preferences are treated as equal first preferences and their order is only important prior to the offer of places in March (Secondary) April (Reception). If a child does not get offered one of the preferences a parent/carer has ranked higher in their order of preferences following the offer of places, they will be added to those waiting lists when waiting lists are create (The only exception is grammar schools that have a final qualifying score that a child must achieve to be included on those waiting lists).
- 8.8 All applications made on or after 31 July 2021 will need to be submitted to their preferred school as in year applications.

## **9. Foundation, trust and voluntary aided schools**

- 9.1 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. Academies and Free Schools**

10.1 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. Selective schools**

11.1 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 2020/21 academic year for admission to these selective secondary schools in September 2021.

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

11.3 The Grammar Schools in Birmingham shall consist of the following schools:

- Bishop Vesey'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 Boy's School
- King Edward VI Handsworth Girl's School
- Sutton Coldfield Grammar School for Girls

11.4 Parents will be required to complete a test registration form to sit the selective test for a school that forms part of The Grammar Schools in Birmingham.

11.5 Pupils will only be required to sit one test to be considered for a place at a school that forms part of The Grammar Schools in Birmingham. Parents must also name any school(s) in The Grammar Schools in Birmingham on their Local Authority Preference Form to be considered for a place there.

11.6 Details and application dates will usually be publicised widely within the City from May each year. The closing date for applications to sit the test is 28 June 2020. No late applications to sit the test will be accepted. The test will take place in early September 2020.

11.7 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.

## **12. The application process for in-year admissions**

- 12.1 In-Year applications may arise for a number of reasons, for example, where a family has moved to Birmingham or if a parent/carer wishes to move their child from one school to another at a time outside the normal admissions round.
- 12.2 The local authority and all schools will work together to coordinate in-year applications.
- 12.3 The local authority will enable parents to complete an application for a school place and will provide details of schools with places available.
- 12.4 In the first instance, parents will be requested to make applications directly to the school(s) concerned. Outside the normal admissions round, parents/carers can apply for a place for their child at any time and to any school.
- 12.5 Parent/carers who live in Birmingham who have not been offered their preferred school will be advised of their right of appeal and be added to the schools waiting list. In-Year waiting lists for community, voluntary controlled, voluntary aided, foundation schools, academies and free schools in Birmingham will be maintained by the schools. 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.
- 12.6 Children who are not offered a place at any of their preferred schools, will be offered a place at a Birmingham Local Authority maintained school, academy or free school near to the child's home address, that has a vacancy.
- 12.7 The Local Authority will be informed by schools and academies of any child who has not taken up a school place so that appropriate action can be taken.
- 12.8 Children who live in Birmingham whose parents have refused the school place offered may be issued with a formal notice advising of their legal requirement to ensure that their child is in receipt of a suitable education whether in school or otherwise.
- 12.9 Where a child is not receiving suitable education, further action may be taken against a parent under Birmingham Local Authority's School Attendance process.

## **13. Fair Access Protocol**

- 13.1 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.
- 13.2 Fair Access Protocols exist to ensure that unplaced children outside the

normal admissions round, especially the most vulnerable, are offered a suitable school as quickly as possible and to ensure that all schools in an area admit their fair share of children with challenging behaviour.

13.3 In the event of a governing body refusing to admit a pupil with challenging behaviour outside the normal admissions round, even though places are available, a referral will be made to the Local Authority for action under the Fair Access Protocol.

13.4 This provision will not apply to a looked after child or EHC plan naming the school in question, as these children must be admitted.

13.5 All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.