



# Chellaston Academy

Learning

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## Admissions Policy 2022 – 2023

Policy Owner:	Ryan Metters	Date of Adoption:	05 October 2020
Approved By:	Local Governing Board	Date of Approval:	17 <sup>th</sup> September 2021
Signed By:	S. Fletcher (Chair)	Date of Next Review:	September 2022

Revisions	
Date:	Notes:

## September 2022 Intake

The Published Admissions Number (PAN) for the Year 7 entry is 300.

As the admission authority, the Governors of the Academy give priority for places to children whose parents/carers have requested a place, using the application form provided by your home local authority and submitted (to the Local Authority) by 31<sup>st</sup> October 2021.

All children whose statement of special educational needs (SEN) or education, health and care (EHC) plan names the school, will be admitted before any other school places are allocated.

If the school is not oversubscribed, all applicants will be offered a place. In the event that the number of applications exceeds 300, the places will be allocated in the following priority order, until all places are filled:

1. Children who are looked after and previously looked after. Looked After Children who, at the time of making an application to a school, are:
  - ✦ In the care of a local authority, or
  - ✦ Being provided with accommodation by a local authority in exercise of its social services functions or ✦ Children who were previously in care outside of England.

Previously looked after children are children who were looked after, but ceased to be so because they:

- ✦ Were adopted under the Adoption Act 1976 or the Adoption and Children Act 2002, or
  - ✦ Became subject to a child arrangements order, or
  - ✦ Became subject to a special guardianship order
2. Children permanently residing in the normal catchment area at the time of admission.
  3. Children who have an elder sibling in Years 8 to 11 who will still be attending the Academy at the proposed admission date.
  4. Other children whose parents have requested a place.
  5. Children whose parents did not submit a request for a place by the published closing date.

Places will be allocated to children in category 1 first. If there are insufficient places for all applications in category 2 or 3, places will be randomly allocated in the relevant category only. The process of random allocation will be undertaken by an independent third party.

If places still remain following allocation in categories 1-3, then priority will be given to the applicant in category 4 whose permanent address is nearest to the Academy. This is measured by a straight line from the centre of the child's main 'dwelling' to the Academy using the national Ordnance Survey set points.

In category 5, places will be allocated in the same order of priority as for categories 1-4. Where children in category 5 have equal priority, places will be allocated by random allocation.

Parents/Carers wishing to seek a place for their child at Chellaston Academy should, in the first instance, apply for a place by contacting the Admissions Team at Derby City Council <http://www.derby.gov.uk/education-andlearning/schools-and-colleges/secondary-school-admissions/>. The City Council will either offer or decline a place in relation to the Admissions Policy and Academy PAN (Planned Admission Number). If the placement is declined, Parents/Carers may wish to appeal against that decision, in which case they should follow the Appeals Procedure outlined in The Guide for Parents in Appendix 1 of this Policy.

## Notes

- a. The normal catchment area includes the suburban area of Chellaston, the villages of Aston-on-Trent, Barrow-on-Trent, Melbourne, Stanton-by-Bridge, Swarkestone, Ticknall and Weston-on-Trent. The new housing development currently known as Fellow Lands Way, will be excluded from the catchment area of Chellaston Academy and added to the catchment area of Noel Baker Academy. The change relates to new housing only at Fellow Lands Way and will not impact on existing properties. The area is shown on a plan which is available for inspection in the Academy office by prior appointment.
- b. For the purpose of admissions, a sibling is classed as a brother or sister who lives at the same address and either: have one or both natural parents in common; are related by a parents marriage; are adopted or fostered by a common parent or are unrelated children who live at the same address, whose parents live as partners.

(A brother or sister must normally be living at the same address. Cousins are not classed as brothers or sisters).

- c. The Academy reserves the right to verify information supplied and if false information is used in order to gain a place, the Academy will refuse or withdraw the place offered.

## Requests for admission outside the normal age group for September Year 7 intake

Parents/carers are entitled to request a place for their child outside of their normal age group. In accordance with the School Admissions Code, this will include taking account of:

- ✦ Parents/carers' 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
- ✦ Whether they may naturally have fallen into a lower age group if it were not for being born prematurely

#### ✦ The headteacher's views

These parents/carers will need to make an application alongside children applying at the normal age which should explain why it is in the child's best interest to be admitted outside of their normal age which may include information such as professional evidence as to why this is the case and why an exception should be made in the case of the child. Such applications will be considered on the basis of the admission arrangements laid out in this policy, including the oversubscription criteria listed.

The decision as to whether this is the appropriate course of action will be made by the Local Authority who will take into account the circumstances of the case and views of the Headteacher. Parents do not have a right of appeal if they are offered a place at the Academy, but it is not in their preferred age group.

#### **In-year admissions**

You can apply for a place for your child at any time outside the normal admissions round. As is the case in the normal admissions round, all children whose statement of SEN or EHC plan names the school will be admitted. Likewise, if there are spaces available in the year group you are applying for, your child will always be offered a place.

If there are no spaces available at the time of your application, your child's name will be added to a waiting list for the relevant year group. When a space becomes available it will be filled by one of the pupils on the waiting list in accordance with the oversubscription criteria listed in this policy (children looked after or previously looked after; children permanently residing in the normal catchment area at the time of admission; children with elder siblings in Years 8 to 11 who will be attending the Academy at the proposed admission date; other children whose parents have requested a place; children whose parents did not submit a request for a place by the published closing date).

Priority will not be given to children on the basis that they have been on the waiting list the longest.

Applications for in-year admissions should be submitted on the local authority application form, in line with the standard application process.

### **APPENDIX 1 - CHELLASTON ACADEMY ADMISSIONS APPEALS – GUIDE FOR PARENTS/CARERS**

#### **Source of Information**

The guidance contained in the Academy Guide for Parents/Carers is based upon information from:

- a) School Admission Appeals Code Of Practice published by DfE, Date of Issue 1 February 2012, and created after the School Standards And Framework Act 1998 (as amended by the Education Act 2002) If parents wish to obtain a copy of this publication it can be downloaded from:  
<https://www.gov.uk/government/publications/school-admissions-appeals-code>

If your child has been refused a place at Chellaston Academy, you have the right to appeal against that decision.

Appeals are heard by an Appeal Panel, which is independent of the Academy and acts in accordance with the Appeals Code of Practice (2012).

## **Introduction**

The letter, from the Local Authority (LA) or the Academy, telling you that the Academy has decided not to offer a place to your child, should make clear the reasons for the refusal. You should consider very carefully whether or not you wish to appeal against the decision. You will need to consider the following points:

- ✦ the Academy's policy for admitting students as published in the Academy prospectus
- ✦ the specific reasons given for not admitting your child
- ✦ your reasons for wanting your child to attend the Academy and the strength of your case
- ✦ alternative schools available. You may wish to visit these schools and/or speak to the Headteachers of those schools.

## **How to make an appeal**

The letter from your LA will contain:

- ✦ Information on where to obtain an Appeals Application Form
- ✦ Information on where to send your notice of appeal and by what date

Your appeal must be in writing.

You should think carefully about the original reasons you gave for wanting your child to attend the school. You can add more information on the Appeals Application Form. All information will be made available to the Independent Appeals Panel before the hearing. It is important that the Appeals Form is returned as soon as possible.

The information should include copies of any letters or documents, such as medical evidence, if you wish it to be used at the hearing. This must be sent with the Appeals Form and it will be passed on to the panel members. Confidentiality will be maintained. Further information can be produced at the hearing but it must be remembered that members of the panel and the governors' representative will not have had time to study this information. Consideration of any additional information will take place during your 15-minute hearing.

Upon receipt of the completed Appeals Form, the Academy is allowed 30 school days in which to hold the hearing.

If you decide to appeal you will be called 'the appellant' in the documents.

## **Admissions Appeal Timetable**

**Secondary Transfers:** (for admission into Year 7 in September 2022 of the Academic Year):

- ✦ Appeal requests received after set date for secondary applications below will be heard alongside others if timing allows. If not, appeals will be heard within 30 school days of receipt.
- ✦ Appellants will receive at least 10 school days' notice of their appeal hearing and will be heard by the set date for Stage 2 -Appeals.
- ✦ Decision letters will be sent to appellants within five school days of the hearing wherever possible.

Action	Date for Current Year
Date for Secondary Applications	31 October 2021
National Offer date for Secondary Schools	1 March 2022
Closing date for Appeals	31 March 2022
Chellaston Academy – Appeals	6/7/8 June 2022

#### **In Year:**

- ✦ Appeal requests will be heard within 30 school days of receipt.
- ✦ Appellants will receive at least 10 school days' notice of their appeal hearing.
- ✦ Decision letters will be sent to appellants within 5 school days of the hearing wherever possible.

#### **How I prepare for the hearing**

The Independent Appeals Clerk will send you details of the date, time and place at which the hearing will be held. It may not be at the Academy.

It is very important that you return the confirmation slip indicating whether you will be attending or not.

It is in your own interest that you attend the hearing in person, no matter how nervous or uncertain you may feel. A friend may accompany you or you may be represented. You should let the Independent Appeals Clerk know before the hearing.

If you cannot attend, you should let the Independent Appeals Clerk know in good time. If you cannot attend, the hearing will be held without you and your case will be heard on the basis of your written statements. The Appeal Panel will make their decision on the strength of your written evidence.

You should be given plenty of notice of the date and time of the hearing. This would normally be 10 days. At least seven days before the hearing you should receive a written statement of the governors' case.

If you need the help of an interpreter or special access because you are disabled, then contact the Academy for help.

If there is anything that you are not sure of, please contact the Academy.

## **The Appeals Panel**

The Panel must consist of 3 or 5 members appointed by the Independent Appeals Clerk. At least one panel member must fall within each of the following categories:

- ✦ at least one lay member, who has no personal experience in managing education, cannot be a teacher, does not work for the Academy and is not a parent of a child at the Academy
- ✦ independent people who have experience in education or know about education in the area.

The panel is independent of the Academy and its governors. It must make sure that the hearing is fair and not biased.

The clerk is appointed by the Academy but is independent of the school. The clerk takes notes at what happens at the hearing and conveys the result to both parties. The clerk can also give advice to the panel.

## **Procedure at the Hearing**

The panel follows two stages to reach their decision: -

- ✦ The panel must first decide if the Academy's admission arrangements have been correctly applied. In cases where your application has been refused on the grounds that there would be prejudice to the provision of efficient education or use of resources by admitting your child, the panel must also satisfy themselves that prejudice exists.
- ✦ If this prejudice is not found, then the appeal must be allowed at this stage. Only when the panel agree that the arrangements have been correctly applied and, where appropriate, they do believe prejudice would arise, then they must consider: Whether your case is so strong that it outweighs the governors' case.

The hearing will be informal but the procedure will be as follows;

- ✦ the governors' representative will present the case for the Academy;
- ✦ you, or your representative, may question the governors' representative;
- ✦ the panel may question the governors' representative;
- ✦ you, or your representative, present your case;
- ✦ the governors' representative may ask you questions;
- ✦ the governors' representative will sum up the case for the Academy; ✦ you, or your representative, will sum up your case.

The panel members may ask questions, at any time, to make sure they understand all the points made by you and the governors' representative.

- ✦ When there are a number of appeals to be held on the same day, the procedure will be as follows: the admission authority will present its general case (the factual case) in the presence of all groups of parents
- ✦ the parents may ask general questions about the case
- ✦ the panel will decide, if by admitting all the appellants, it would cause prejudice to efficient education at the Academy
- ✦ if the panel finds that admission of the appellants would not cause such prejudice, then the appeals should be upheld
- ✦ if prejudice is proved, then the panel will consider each individual case as described above
- ✦ This order gives both you and the Academy an equal opportunity to put each case to the panel in a clear manner.

### **What happens after the hearing**

You will be told of the Panel's decision by letter from the Independent Appeals Clerk, no later than 5 school days after hearing.

The letter will give the reasons for the Panel's decision. You do not, however, have the right to see the notes of the hearing, unless the panel agrees.

Appeal panels **must** either uphold or dismiss an appeal and **must not** uphold an appeal subject to any specified conditions. Under Section 94(6) of the School Standards and Framework Act 1998, a panel's decision that a child shall be admitted to a school is binding on the admission authority concerned.

### **Further help and information after the panel hearing**

Both the appellants and the school must accept the decision of the Appeal Panel.

If you are concerned your appeal did not comply with the DfE's Code of Practice or that the appeal process was flawed, which you feel affected the outcome of your appeal, you can complain to the Education and Skills Funding Agency (ESFA) within six months of the date of the appeal hearing. The ESFA will investigate the complaint on behalf of the Secretary of State if it considers there are sufficient grounds to do so.

If the ESFA finds the appeal arrangements have breached the Code of Practice and the breach may have affected the outcome of your appeal, the academy may be required to establish a fresh appeal panel to hear the case. However, the Secretary of State, and the ESFA who acts on his behalf, cannot overturn the decision of an independent appeal panel. This may only be challenged through the Courts through a Judicial Review:

The ESFA can be contacted at:

Academy Admission Appeals Complaints  
 Academies Central Unit, Education Skills Funding Agency  
 Cheylesmore House  
 5 Quinton Rd  
 Coventry

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There are alternative methods of contacting the ESFA provided in the following link:  
<https://www.gov.uk/schools-admissions/complain-about-the-appeals-process>

## **APPENDIX 2 - ADMISSIONS ARRANGEMENTS AND APPEALS DURING THE CORONAVIRUS (COVID-19) PANDEMIC**

This appendix has been created in line with the DfE's 'Changes to the admission appeals regulations during the coronavirus outbreak', and their 'Changes to school admission appeals due to coronavirus' guidance.

### **Statement of intent**

During this difficult period, we are committed to fulfilling our statutory duties without disruption – this includes taking steps to ensure our admission appeals procedure can continue.

In accordance with the government's emergency regulations which temporarily revise the relevant regulations, the school has made the necessary amendments to our Admissions Policy.

This appendix outlines how the school manages admissions appeals during the coronavirus (COVID-19) pandemic, in line with the government's new guidance.

The information in this appendix should be reviewed regularly to ensure any local and national updates and information from the government can be reflected accordingly.

### **Legal framework**

This policy has due regard to all relevant statutory guidance and legislation, including, but not limited to:

- ✦ DfE (2012) 'School Admission Appeals Code'
- ✦ DfE (2020) 'Changes to school admission appeals due to coronavirus'
- ✦ DfE (2020) 'Changes to the admission appeals regulations during the coronavirus outbreak'

### **Application of these arrangements**

The admission authority will ensure the appeals panel understands the temporary regulations and how the chosen process will work, e.g. by telephone or video conference.

The temporary regulations will apply until 31 January 2021, and apply to:

- ✦ Any appeals lodged between that date and 31 January 2021.
- ✦ Appeals that were already lodged before 24 April 2020 but have not yet been decided.

Once the temporary regulations cease to apply, the school will revert to implementing the procedures in the main body of this Admissions Policy.

Appeals lodged before 31 January 2021, but that are heard after this date will not be prejudiced by the expiry of the temporary regulations.

The admission authority will prepare for appeals to be conducted in the normal way after the end of January 2021, and the relevant timetables for 2021 will be prepared in the normal way and published by 28 February 2021.

## **Appeals**

When the admission authority informs a parent of a decision to refuse their child a place, the admission authority will include the following information:

- ✦ The reason why admission was refused
- ✦ Information about the right to appeal
- ✦ The deadline and contact details needed to make an appeal
- ✦ That parents will need to set out their grounds for appeal in writing

The deadline for lodging an appeal will be at least 28 calendar days from the date the notification of refusal was sent to the parent.

All deadlines for the hearing of appeals will be heard as soon as reasonably practicable.

Appeal deadlines have been amended to allow appellants (parents) more time to lodge an appeal – these updated deadlines are:

- ✦ 28 calendar days' written notice of a new appeal deadline.
- ✦ 14 calendar days' written notice of an appeal hearing (although appellants can waive their right to this).

Where possible, decision letters will be sent within 7 calendar days of the hearing.

## **Membership of the appeals panel**

During the ongoing pandemic, members of the appeals panel will only be appointed if they have, or can be provided with, the necessary equipment and facilities.

Admissions panels are made up of at least three people. In the event a member of the panel has to withdraw due to the coronavirus, e.g. they are required to self-isolate, the remaining two members will continue to consider and determine the outcome of the appeal regardless of their background.

If a panel member withdraws, the clerk will make a note of the reasons for their withdrawal in the record of the proceedings.

If the chair of the appeals panel withdraws, the admission authority or clerk (on behalf of the admission authority) will appoint a new chair from the existing appeals panel.

In the event more than one member of the panel withdraws and leaves only one member, new panel members will be appointed so that the panel is constituted in the normal way. Where this has happened, any part-heard appeals will be reheard.

### **Training of the panel**

Where it is not possible for panel members to undergo full training, e.g. if it is delivered in face-to-face sessions, the admission authority will find alternative ways of ensuring training can be completed in accordance with section 1.10 of the 'School Admission Appeals Code'.

The admission authority will ensure the panel and clerk have a full understanding of the temporary regulations and how the new process will work.

### **Appeals hearings**

The chair of the appeals panel will ensure that all appeals, whether conducted remotely or not, are private, that all parties can hear everything that is said, and that all parties have an equal chance to participate.

Appeal hearings will be conducted via telephone or video conference or, where this is not possible, they will be conducted entirely based on written submissions.

Appeals panels can only hold appeals hearings remotely if they are satisfied the following criteria are met:

- ✦ The parties will be able to present their cases fully
- ✦ Each participant has access to video or telephone facilities allowing them to engage in the hearing at all times
- ✦ The appeal hearing can be heard fairly and transparently

The clerk to the appeals panel will contact appellants as soon as possible after receiving their appeal to explain the temporary arrangements in place – where possible, the clerk will contact the appellant by phone.

Before appeals are conducted via video conferencing software, the chair of the appeals panel will consult the ICT technician regarding the security and privacy terms and conditions of the platforms being used. All necessary security features will be utilised before appeals take place.

If the officer presenting the case for refusing the admission does not attend the meeting, the appeals panel will consider the case using the evidence submitted by the admission authority so long as the panel is satisfied that doing so will not disadvantage the appellant.

In the event that the appellant does not participate in the meeting, and it is impractical to rearrange, the appeals panel will review the written information submitted.

Appellants will retain the right to be represented or accompanied by a friend even during a remote hearing. Where necessary, reasonable adjustments will be made in accordance with the Equality Act 2010. The clerk is responsible for recording all requests for reasonable adjustments as part of the appeal record.

### **Appeals decided on written submissions only**

The following process will be used to when making a decision on an appeal on the basis of written submissions only:

- ✦ The clerk will contact the appellant and presenting officer in line with the appeals timetable. The presenting officer should be provided with a copy of the appeal lodged and asked to submit the admission authority's evidence – the appellant should be given the opportunity to submit additional evidence in writing (preferably email) if they wish.
- ✦ The panel and clerk should meet remotely, e.g. by telephone, to formulate questions for the appellant and presenting officer.
- ✦ The clerk sends the questions and all relevant documents to each of the parties, e.g. the appellant receives the presenting officer's submission and vice versa.
- ✦ The appellant and presenting officer should reply to all the questions and add any additional points they wish to make. Once these answers have been sent back to the clerk, the clerk will send them on to the other party. Any information not submitted by the relevant deadline may not be considered.
- ✦ The panel meets remotely to discuss the answers and considers all the information in order to reach their decision.

### **Appeals by the governing board against LA decisions to admit twice-excluded children**

The governing board will make appeals (in writing) against LA decisions to admit twice-excluded children within 21 calendar days after the day it is given notice of the decision.

Appeals by the governing board will be heard remotely where necessary.

### **Maladministration complaints**

If a parent believes they have evidence of maladministration, their complaint will be heard in line with the normal procedures and section 5 of the 'School Admission Appeals Code'.

### **Monitoring and review**

To ensure it remains up-to-date, this policy will be reviewed by the headteacher at least weekly and in accordance with any updates to relevant local and national guidance.

Any amendments made will be communicated to all relevant stakeholders.

An electronic version of the updated policy will be made available on the school's website.

