



## ADMISSIONS POLICY

First Time Admissions and Mid Term Transfers from Autumn Term 2023 onwards.  
This policy was agreed by Governors.

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## 1. Principles

1.1 The purpose of the policy is to ensure that places at Brookside Primary School are allocated and offered in an open and fair way.

1.2 Brookside Primary School admissions policy will:

- i. Offer clarity regarding legal requirements and statutory guidance.
- ii. Seek to encourage partnership and avoid conflict at a local and an authority level.
- iii. Maintain parental rights and ease the process of admission for parents and children.
- iv. Have one consistent first-time admissions date to mainstream education.

1.3 School admissions at the normal round are as follows:

- a place in the catchment area school (dependent on the parent applying at the appropriate time, in compliance with infant class size regulations and the school admission number);
- where possible a place in a preferred school if there is room;
- entitlement to be considered according to the same priority criteria as other children where the preferred school is oversubscribed.

## 2. Legal Position & Other Requirements: Summary

2.1 Brookside Primary School is its own admissions authority and will consult as required and publish their admissions policy and arrangements.

2.2 The Local Authority is required to coordinate admissions for all residents in its area. To this purpose it must have an approved scheme for coordination and Brookside Primary School will participate in full with the scheme

2.3 Parents have a right to express a preference for a school place, including where the child has an Education, Health & Care Plan. Parents must ensure suitable full-time education for their children by attendance at school or otherwise; they are not obliged to do this before the child has reached compulsory school age.

2.4 Compulsory school age is from the term immediately following a child's 5th birthday, this means:

- a child turning 5 in the Autumn term must start school no later than from the start of the Spring term;
- a child turning 5 in the Spring term must start school no later than from the start of the Summer term;
- a child turning 5 in the summer term must start school no later than the following Autumn term (Leicestershire paragraph 4.15 applies for summer born children).

2.5 Brookside Primary School has an Admission Number (AN) for each of its year groups at the point of entry at 60. Once Brookside Primary School has filled a year group to 60 (in line with its admissions criteria herein) all other applications will be refused where the admission of another child would prejudice the provision of efficient education of efficient use of resources.

2.6 Parents whose application is refused have a right to appeal to an Independent Appeal Committee whose decision is binding, except for children with Education, Health & Care Plans whose parents can appeal to the

Special Educational Needs Tribunal. Pupils admitted following appeal will have their admission confirmed by the Local Authority (this is because the Admitting Authority has been directed, in effect, to admit the pupil in these circumstances).

2.7 There are no required staffing ratios for KS2 age children in education law. Headteacher and teacher associations may issue guidelines on staffing levels. For young four-year-olds, e.g. in 4+ units and nursery, the Local Authority requires a ratio of 1 : 15. Legislation and regulation on infant class sizes requires an upper limit of 30 children per qualified teacher for infant classes, with specified exceptions.

2.8 Department for Education guidance on admissions and appeals is contained in two Codes of Practice.

### 3. First Time Admissions to Brookside Primary School

3.1 This section refers to first-time admissions (4+ entries).

3.2 All parents who do not live in Leicestershire county must apply through their home local authority. The best way for Leicestershire county residents to apply is by applying online through Leicestershire County Council's website. All requests received by 15th January (national closing date) will be considered first and in accordance with the approved priority criteria. **All applications received after the closing date will be considered after those that have been received on time.**

#### Admissions Timeline (Primary):

**15<sup>th</sup> January – Closing date for applications to the Local Authority (LA)**

**28<sup>th</sup> February – Publication of appeals timetable on LA website**

**16<sup>th</sup> April (or next working day) – National offer day for First Time Admission and Infant-Junior transfers**

**April to August – Appeals process and outcomes**

**August – New intake starts at school**

3.3 The Local Authority that you live in will confirm places from the national offer date 16th April to pupils. No child should be admitted without an offer from the Local Authority you live in; and this is regardless of whether the child lives in the catchment area or otherwise.

3.4 For those pupils who do not live in Leicestershire, the School Admissions Service will inform the relevant Local Authority who will in turn inform the parents of Leicestershire's decision.

3.5 Places will be allocated up to the Admission Number (AN) of 60 and will not be exceeded regardless of living in the catchment or moving into catchment.

3.6 It is recognised that some parents are unaware of the need to apply for a school place at first-time admission stage. The Admissions Service and Brookside Primary School in response to this issue launches an annual marketing strategy to publicise and alert parents to the need to complete an application expressing up to three preferences for a place in advance of expected admission.

3.7 Date of admission for all infant and primary schools is from the September immediately following a child's fourth birthday i.e. all children who have turned 4 before the end 31st August.

3.8 Children should not be attending before these times but for exceptional pre-admissions visits. If pre-admission visits take place before the School Admissions Service has confirmed places, parents of these children must be informed that this does not guarantee admission to the school. Pre-admissions visits should only take place in the term before the child is admitted to school and should not exceed more than two half days per week. Such sessions are not funded.

3.9 Brookside Primary School has a single start for first time admission at 4+. However, parents must ensure full-time education for their child from compulsory school age, from 5+.

### **3.10 Infant Class Size Limits, Multiple Birth Children and Permitted Exceptions**

3.10.1 There is a requirement to limit infant class sizes to 30 children for each qualified teacher. This applies to reception, Year 1 and Year 2 classes, i.e. children aged 4 to 7. The National Regulations on infant class sizes allow very few exceptions (see para 2.16 [School admissions code 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/school-admissions-code-2021.pdf))

3.10.2 The following exceptions are the only permitted exceptions to the class size limit:

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

3.10.3 Permitted class size exceptions will remain exceptions for the duration of Key Stage One. In addition, schools will no longer have to take qualifying measures in such circumstances.

### **3.11 Admission of children below compulsory school age and deferred entry**

Upon notification of a school place being offered, a child is entitled to a full-time place in the September following their fourth birthday.

The date the child is admitted to the school can be deferred until later in the school year or the child can attend part-time, but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which the original application was made.

To defer a place at first time admission, parents are asked to inform the school where the child has been allocated school place.

By not attending the beginning of the final term of the school year for which the original application was made, the allocation place may be withdrawn and would then require parent to make a new application if the subsequently wish to be considered for a place in the school.

### **3.12 Admission of children outside their normal age group**

Parents may seek a place for their child outside of their normal age group for example, if the child is gifted and talented or has experienced problems such as ill health. Children can be educated in either the year above their age or below. This is undertaken with full consultation with the school.

Parents of a summer born child, that is those children born from 1st April to 31st August may choose not to send their child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group, for example, to reception rather than year 1.

To request a delayed entry parents are required to make an application for their child's admission to their normal age group at the usual time in accordance with this policy. The school will consider the request at the point the local authority pass on the request. Further information about the process will be provided to parents upon their request for admission outside of normal age group or by contacting the School. All applications need to be made by January 15<sup>th</sup> of the calendar year of entry. The HT and Chair of Governors will make the final decision. Parents need to evidence why delayed entry is required.

Decisions will be made by the Admissions Authority on the basis of the circumstances of each case and in the best interests of the child concerned. This will take into account parents' views, information about the child's academic, social and emotional development, where relevant their medical history and any views of a medical professional, whether they have previously been educated outside of their normal age group and whether they may have fallen in to a lower age group if the child was not born prematurely. The views of the Headteacher must be taken in to account. Decisions made by the Admissions Authority will be clearly set out.

When informing a parent of the decision on which year group the child should be admitted to, the reason(s) will be given.

Where the admitting authority agrees to the parent's request for their child to be admitted to a year out of their normal age group, it will be necessary for the parent(s) to apply again for a place at the appropriate time, and as a consequence the child will be admitted to a relevant age group (the age group to which pupils are normally admitted to the school). The Admission Authority will process the application as part of the main admissions round unless the parental request is made too late for this to be possible and on the basis of determined admission arrangements only including the priority criteria when this applies.

One Admission Authority cannot be required to honour a decision made by another. Upon transfer, it will be a matter for that Admission Authority. Decisions will be made by the Admission Authority regarding the parental request for admission out of normal age group in time for parents to make an informed decision about whether their child will start school before compulsory school age. An application will not be given a lower priority on the basis that the child is being admitted out of their normal age group.

Parents' statutory right to appeal against or refusal of a place at a school for which they have applied does not apply if they are offered a place at the school but it is not their preferred age group.

#### **4. In-Year (mid-term) Transfers (all year groups)**

4.1 All mid-term transfer requests (in-catchment included) will be co-ordinated through the School Admissions Service for approval before admission takes place.

4.2 Before applying, parents are encouraged to arrange to visit the school after which the parent should complete the Local Authority's online Common Application Form.

4.3 The aim is to notify the parents of the outcome of their application in writing within 10 school days, but they must be notified in writing within 15 school days (5 days if child is indicated as in care or previously in care). Delays may occur where further evidence or proof is required i.e. proof of house purchase, tenancy agreement, fair access information for complex or out of authority applications etc

4.4 Where the mid-term application is made through the Local Authority the decision letter will either offer the place or refuse the place where the admission of another child would prejudice the provision of efficient education or efficient use of resources. A refusal letter will also explain to the parent their right to appeal, and how they should do this.

4.5 The admission number for each year group is 60. This number will not be exceeded to accommodate the catchment area children applying as in-year (mid-term) transfers.

## 5. Parental Preferences & Criteria used for Prioritising Admissions to Schools

5.1 Application forms for school places allow parents to express up to three preferences for school places. Parents should rank their preferences, so that if more than one preference can be agreed the one which the parent wants most is offered. However, the Local Authority considers all preferences to have equal value, e.g. one parent's first preference and another parent's second or third preference are to be considered equally against the admissions criteria.

5.2 Late applications are only considered after all other applications which were received on time, unless there is a significant reason for lateness (see separate section on late requests).

## 6. Priority Criteria for Entry Autumn 2023 Admissions and Mid-term Applications during 2023/2024 Academic Year

If there are too many requests, priority will be given to children, whose parents applied on time, in the following order (see note i. below):

1st	Looked after Children and Previously Looked after Children (See note ii.)
2nd	Pupils who live in the catchment area. (See note iii.)
3rd	Pupils who will have an older brother or sister attending Brookside Primary school at the same time who live in the same house. This will <b>not</b> apply to mid-term admissions in year groups where the admission number has been reached. (See note iv.)
4th	Pupils who have a serious medical condition or exceptional social or domestic needs that make it essential they attend the school requested. (Professional documentation confirming the situation must be submitted with the application.) (See note v.)
5th	Children of staff in either or both of the following situations a). where the member of staff has been employed at the school for 2 or more years at the time at which the application for admission is made and, or, b). the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.
6th	Pupils living nearest to the school measured in a straight-line distance (home to school front gate). (See note vi.) The LA uses a Geocoded Mapping System

### Notes:

- i. Brookside Primary School's admission number is 60. Where more than 60 applications for Brookside are received for any one year group, combinations of the above criteria will be used in priority order. Where the computerised system throws up an equality of distance for more than one child (who do not have the same home address) the final tie breaker will be drawing lots.
- ii. The School Admissions Code 2021 states that all admission authorities must give highest priority to this group of children and provides the following definitions:

A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of the social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

'Previously looked after children' are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements orders or special guardianship order). Further references to previously looked after children means such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately

following having been looked after and those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

- A child is regarded as having being in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.
- Children who were adopted under the Adoption Act 1976 and children who were adopted under Section 46 of the Adoption and Children Act 2002. 24.
- Child arrangements orders are defined in section 8 of the Children Act 1989, as amended by section 12 of the Children and Families Act 2014. Child arrangements orders replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

- iii. The child's place of residence is taken to be the parental home. Living in the catchment area does not guarantee you a place at your catchment school.

Where a child lives for part of the week with one parent, and for part of the week with the other parent, the address recognised by the Academy for the purposes of an application for a school place is the one where the child lives that is the address where the child permanently spends at least three 'school' nights (that is, Sunday, Monday, Tuesday, Wednesday or Thursday) will be taken to be the place of residence.

Where the weekly residence arrangement varies, and a child stays with both parents, on average, for the same amount of time during the school week over a four-week period, and one parent lives in another school catchment, the parents will be required to choose one address for the purposes of completing a school application. If those with parental responsibility are unable to agree on the preferences, it may be necessary for parents to obtain further legal advice. Leicestershire County Council on behalf of the academy will continue to process an application unless legal documentation is provided that states an application cannot be processed or a pending court hearing. In cases where multiple applications are received for the same child, LCC on behalf of the academy will establish where the child lives for the majority of the time. Where parents cannot agree a single address, parents will be required to seek a Court Order to determine which address is to be used. Where any claimed residence arrangement is found to be false, and the child is yet to start at the allocated school, the place will be withdrawn as it will be considered obtaining the school place on fraudulent and/or misleading grounds. In such circumstances the application will be considered afresh and determined at that time based on the correct information.

- iv. The term sibling relates to:

- Brothers and/or sisters who share the same parent(s)
- A half-brother, half-sister or legally adopted child living at the same address
- A child looked after by a local authority placed in a foster family with other school age children
- A stepchild or children who are not related but live as a family unit, where parents both live at the same address as the child

- v. If criterion 4 is used, when making an application parents should send evidence from an independent professional person who knows about the child and supports the application to the school. It must clearly show why the school is the most suitable and any difficulties if alternate schools were offered. An independent professional person, for example a health professional, social worker, teacher/early years professional or support worker or such other appropriate

person. The evidence must be supplied and must be submitted with the application for a school place.

The following list are the areas that are considered exceptional:

- (a) Children with a serious medical condition – showing that the needs of the child can only be met at the specific school and why other schools would not be able to meet this need, or a child has an exceptional illness or disability (for example, limited mobility) which means that the child can only reasonably attend one school.
- (b) Children subject to Child Protection Plans and Child in Need Plans and the child can only reasonably attend one school.
- (c) Parents suffering domestic violence (this is dependent on documentary evidence by a lead professional for example a health professional, social worker, teacher/early years professional or support worker or such other appropriate person).

The Academy will make the decision during the processing period in consideration with relevant professional documentation.

- vi. For criterion 5 above, measurement of distance is in a straight line from the centre point of the property to the school's main designated front gate, using a computerised mapping system. Where there is equal distance then lots will be drawn, supervised by an independent officer. Routefinder is used to determine this.

## **7. Out-of-Catchment Requests and Admissions**

7.1 Parents are encouraged to visit both Brookside and the catchment school, in order to make informed judgements.

7.2 If a parent approaches Brookside Primary school for an out-of-catchment place, the Headteacher (and other staff) will:

- suggest that the parents visit the catchment school;
- inform them that if they still wish to apply to Brookside Primary school, they must request this in writing to Leicestershire's School Admissions Service.

School Admissions Service on receiving a request outside the normal transfer cycle:

- contacts the school to confirm numbers in relevant year groups;
- may suggest to parents that they visit the preferred school;
- allocates a place if there is space available within AN for the relevant year group or will refuse the place and inform parents their right of appeal.

## **8. Exceeding the Admission Number (AN)**

8.1 At the time of first-time admission, as well as mid-year transfers if there are more requests for in-catchment children than the admission number (AN), the AN will NOT be exceeded to accommodate the catchment area children.

8.2 The AN will NOT be exceeded in any one year group. If there are more requests than places available within the AN, places will be allocated up to the AN according to the priority criteria, with any outstanding requests normally refused.



8.3 If an application for a school place is refused, a refusal letter is issued, which will set out the reason for refusal and the right to appeal. Parents have a right to appeal to an Independent Appeal Panel. The decision of an Independent Appeal Panel is binding on parents and the admitting authority. To appeal, please go to the Leicestershire County Council website - [Appeal a school place and check waiting lists online | Leicestershire County Council](#). (NB: In the case of parents whose children have an Education, Health & Care Plan, the appeal is to the Special Educational Needs Tribunal.)

8.4 It may be that in exceptional circumstances Brookside Primary School requests admitting pupils above the AN or the Local Authority asks a school to exceed its AN. These situations should be viewed as exceptional and not as precedents for subsequent years or for other schools.

Exceptional circumstances **might be:**

- (a) children in public care;
- (b) "Hard to Place" children whose cases fall within the Fair Access protocol.

8.5 If an exceptional request to exceed AN is made, either to the Local Authority or to the school, any decision to approve an exceptional request must be made in conjunction with interested parties.

- a. Parents' requests must still be referred to the School Admissions Service.
- b. A request from a school to exceed the AN must be made to the School Admissions Service; a request from the School Admissions Service to a school to exceed the AN must be made to the Headteacher.

## 9 Withdrawing an Offer or a Place

9.1 Leicestershire School Admissions, in accordance with its coordinating scheme on behalf of Brookside Primary School, will withdraw the offer of a place if:

- It had been offered in error.
- A parent had not taken up the place and not responded within 20 days of indicating they want the place.
- It is established that the offer was obtained through fraudulent or an intentionally misleading application unless the pupil has already started at Brookside Primary School.

## 10. Co-ordinated Schemes

10.1 In accordance with the School Admissions Codes, Brookside Primary School will participate in two statutory co-ordinated processes for the purpose of:

- starting school for the first time (statutory);
- transferring to secondary school (statutory).

Leicestershire County Council will, however, in the best interest of the parent continue to co-ordinate:

- mid-term (in-year) transfers.

10.2 For Leicestershire residents the School Admissions Service will act as the parent's agent when applying for a school place regardless of whether the school is in Leicestershire, in another Local Authority or is its own admitting authority i.e. Voluntary Aided, Foundation, Studio, Free, Academy, or Trust schools. If applying from outside the authority you are encouraged to apply via the authority in which you live. If your move to Leicestershire is imminent, or the home authority do not operate

a co-ordinated mid-term transfer process, then you should apply through Leicestershire's online system. For a detailed breakdown of each process, please refer to the relevant Co-ordinated Scheme.

## 11. Miscellaneous

### Children Who Are Looked After or Previously Looked After

11.1 In the event of an abundance of applications, looked after children or previously looked after children are given highest priority.

11.2 In such circumstance confirmation must be sought from the last local authority that placed the child in care.

11.3 To be considered as 'looked after or previously looked after', Brookside does not stipulate a minimum length of time the child is or has been in care.

### Catchment Area Definition and How to Find Out the Catchment Area School for Your Home Address

11.4 Brookside gives priority to children within its catchment area (a copy of this map is available here: [https://www.leicestershire.gov.uk/sites/default/files/catchment\\_details\\_2189.pdf](https://www.leicestershire.gov.uk/sites/default/files/catchment_details_2189.pdf))

If you are unclear in which catchment area your home address falls please contact Leicestershire's Customer Service Centre in the first instance – (0116) 3056684, who will be able to inform you in which school catchment your address falls. In addition, you will also find in the primary and secondary '[Your Guide to Education](#)' booklets district maps that outline in general the schools located within the district you live.

### Parental Proof of Residence

11.5 In determining an application for a school place, the Council on behalf of the Academy may request evidence of an address or of a move into a catchment area or arriving in the UK.

- a) Such evidence may include but not be limited to:
  - Opening Council Tax bill;
  - Signed and dated copy tenancy agreement;
  - Copy of a letter of completion of house purchase from a solicitor
  
- b) In addition to the above the following may also be asked for:
  - Copy of child benefit letter;
  - Copy of current driving licence
  - Copy of registration at GP practice or hospital consultant
  
- c) Where a family has moved in with relatives or friends (including new to UK):
  - A declaration from Parents and householder/homeowner/relative/friend confirming the applicant family now reside at the address;
  - A copy of most current council Tax bill from occupier;
  - Stamped passport or visa;
  - Boarding passes

Where the Council does not consider it has been provided with satisfactory proof of address, the application will not be processed until the Council is satisfied that adequate proof has been obtained.

11.6 All schools are requested to be vigilant regarding addresses given by parents before transfer to the next phase of education, particularly if there is a late or unexpected change of address close to transfer. Any queries should be referred to the School Admissions Service.

## **Over-subscription Lists**

11.7 For first-time admissions, the Local Authority will maintain an over-subscription list for the school, up to the end of 31<sup>st</sup> December of the admission year. (This waiting list is ranked in the same order as the published oversubscription criteria and not by date of application.)

The school does not hold a waiting list for any other year group.

## **Tiebreak**

11.8 In instances where more than one child has an equal weighting in accordance with our priority criteria, the tiebreaker used is measurement of distance in a straight line from the centre point of the property to the school's main designated front gate, with whoever is closer being offered the school place. Where there is equal distance then lots will be drawn supervised by an independent officer.

## **Children Who Move Out of the Catchment Area**

11.9 A child who has started attending and whose place of residence changes to an out-of-catchment address is entitled to retain his/her place in the school and should not be asked to leave or have their name deleted from the register.

11.10 Such an entitlement does not hold if the child changes phase of education in which case entitlement to a place is according to the new address.

11.11 If there are queries about transport in these situations, refer to the LA Customer Service Centre (Education and Transport).

## **Excluded or Potentially Disruptive Pupils**

11.12 Brookside Primary School does not allow the refusal of admission because the pupil may disrupt the education of other pupils, but will consider exceptions according to the School Admissions Code. The School Admissions Code allows the refusal of places for children with "challenging behaviour" only for those schools able to demonstrate particularly high proportion of children with challenging behaviour or previously excluded children. In such circumstances the governors must refer the case to the Fair Access Protocol.

11.13 Brookside Primary School is not able to refuse admission where such a pupil lives in the catchment area and the parent has applied properly, and where there is a place available within the AN.

11.14 There is no obligation to comply with a parental preference for a child who has been permanently excluded from two or more schools, for a period of two years following the latest exclusion. Brookside may refer to the Secretary of State regarding directions to admit children.

It is possible that a child may receive a second permanent exclusion just before he or she is due to transfer school. In these circumstances the Local Authority will expect the receiving school to admit the child, if the child's second permanent exclusion is issued after a transfer allocation has been notified to the parent, but before the actual transfer to the new school.

11.15 A permanently excluded pupil must not be removed from the school register until any exclusion appeal is complete or until the time limit for notification of appeal has passed.

## **Children with Special Educational Needs**

11.16 Brookside Primary School does not allow the refusal of admission because it is believed that the school cannot cater for the child's special educational needs.

11.17 Pupils with special educational needs but no Education, Health & Care Plan (EHCP) are dealt with through normal admissions policy, and schools cannot refuse to admit a pupil because he/she does not have an EHCP or is being assessed one.

11.18 All governing bodies are required by section 324 of the Education Act 1996 to admit to a school a child with an Education, Health & Care Plan that names the school. This is not an oversubscription criterion and schools must admit children with EHCPs whether they have places or not.

### **Children from Overseas**

11.19 The wording of the School Admissions Code applies. (Brookside Primary School must treat applications for children coming from overseas in accordance with European Union law or Home Office Rules for non-European Economic Area nationals. Non-statutory guidance on this is available on the website of the Department of Education).

### **Late Requests, Appeals (including class size appeals), Further Applications and Errors**

11.20 Late requests for school places, e.g. those received after a closing date, will be considered on their merits, but will be considered after those that have been received on time, even when the parents are requesting the catchment area school. This means that it is probable that a late request will not be allowed if the school has reached its admission number and there is no clear and significant reason (supported with documentary evidence) that it was beyond the parent's control for not applying at the appropriate time e.g. parent ill for some time or family returning from abroad.

11.21 To assist parents every effort will be made by the School Admissions Service to explain the basis under which an infant class size appeal is to be considered. The legislation and regulations are extremely stringent and only allow panels hearing an infant class size appeal to uphold the appeal where the following applies:

- the child would have been offered a place if the school's admissions arrangements had been properly implemented i.e. because of an error or maladministration; or
- if it is established by the panel that the school's admissions arrangements did not take into account, when considering the application:
  - ☒ the School Admissions Code
  - ☒ Part 3 of the SSFA 1998;
- the decision was not one that a reasonable admissions authority would have made in the circumstances of the case.

11.22 Where an appeal is being heard for a year group that is full and is not a class size appeal but if successful would cause 'future class size prejudice or breach', because future year groups are organised into classes of 30 pupils to one teacher. The appeal will NOT run citing class size legislation as a key principal argument for refusing the application. Leicestershire will instead take the view that the panel is requested to take future prejudice into account when decision-making.

11.23 Ordinarily parents may only make one application for any particular school per academic year. In exceptional circumstances, and at its sole discretion, the Council may allow a further application to be made where there has been a significant and material change in the circumstances of the parent, the child or the school.

The following is a non-exhaustive list of what may be considered to be exceptional:

- Change of address i.e. where the change of address is into the catchment of the school;

- New significant and material evidence has come to light in personal circumstances;
- A significant change in medical circumstances (apart from medical attention for distress or anxiety as a result of unsuccessful applications/appeals)
- There has been a significant and/or material change in the circumstances of the school i.e. significant extensions/new build, an increase to PAN, increase in the number of teaching staff

In such instances parents must provide written details of the significant and material change together with any evidence of that change. Where the significant and material change is accepted by the Admitting Authority a second application will be permitted and must be made in the usual way and will be processed in the normal manner and, where necessary, in accordance with the priority criteria.

Brookside commissions the LA to undertake all appeals on their behalf.

11.24 Where the admitting authority has made an error in any aspect of processing school application, and it has been established that had the error not occurred it would have resulted in the applicant legitimately securing a school place. The admitting authority must honour the applicant a school place, even if the school is full.

11.25 Where it has been determined the error was made by the applicant the admitting authority will not be held responsible, i.e. an incorrect date of birth, failure to mention sibling(s), failure to provide supporting evidence etc.

### **Arrivals in Catchment and Late Applications**

11.26 Admission requests for children that move into the school's catchment area or are deemed to have applied late will only be agreed where a place is available within the AN of the relevant year group. Exceptional circumstances might be:

- (a) children with an Education Health Care Plan
- (b) "Hard to Place" children whose cases fall within the Fair Access protocol.

### **Acceptance or Refusal of Offers; Withdrawal of Places or of Offers of Places**

11.27 In the normal admissions round (i.e. when offers are made for first-time admissions national offer date 16th April) it will be assumed by the School Admissions Service that the offer is accepted unless it is refused. Once the academic year begins the school place should be taken up within 20 school days. For mid-term applications (outside the normal round) the offer must be taken up within 20 school days from the offer date. If not, the School Admissions Service will afford the parent a reasonable time (the regulations state 2 weeks) plus additional 7 days for a reminder, to accept the offered place. If no acceptance is received the offered place may be withdrawn. In addition, the Local Authority reserves the right to withdraw a school place, or an offer of a place where the place has been obtained by false or misleading information, for example an incorrect address or date of birth. Brookside will be vigilant about such matters and will ask for a sight of the child's short birth certificate before admission as well as proof of residency.

### **Home-School Agreements**

11.28 The School Standards & Framework Act does not allow signing a home-school agreement to be a condition for admission.

### **Deleting a Child's Name from the Register**

11.29 The Education Pupil Registration Regulations describe the circumstances in which a child's name can be deleted from a school's register. In normal circumstances it is not reasonable to delete a child's name from the

school's register until it is confirmed that he/she is receiving education elsewhere. In unclear cases, please seek advice from School Admissions and Pupil Services.

### **Changes of Address**

#### 11.30 Principles:

- (a) Residence in the catchment area is necessary to be given highest priority for a school place when applying, subject to availability.
- (b) Where a school is over-subscribed or a family move into catchment after a published closing date for submission of applications, the School Admissions Service should seek to clarify parents' claims of change of address.
- (c) Generally, only one address is recognised for each family, and only one family for each address.
- (d) Places, or offers of places, may be withdrawn if they were based on incorrect information from the parents or their representatives and the pupil has not already started Brookside Primary School.
- (e) Each case is considered on its facts.

#### 11.31 What is generally not accepted when allocating places in over-subscribed schools:

- (a) purchase of a second property by a family, while the first property is retained;
- (b) rented accommodation, while a previous property is retained;
- (c) offers or exchange of contracts on intended purchases or sales of properties;
- (d) informal accommodation arrangements with friends or relatives.

#### 11.32 Verification of address:

Parents: written confirmation and declarations will be sought regarding important information.

Parents may be requested to provide in writing proof of residence. Such documentary evidence may include, but are not limited to, completion of both purchase and sale, council tax payment or child benefit letter.

### **Significant Change of Circumstance**

11.33 The School Admissions Service considers fresh information in support of a parental preference for a school place, even if it is received at a late stage in the admissions process. In normal circumstance there will be no difficulty in meeting the parents' preference if all the school places have not been allocated.

11.34 Where the school's places have all been allocated, the School Admissions Service will be unable to offer a place, but may give higher priority to the parents' request if a place subsequently becomes available, according to the family's circumstances, in accordance with the priority criteria.

11.35 Verification, e.g. from professional persons or bodies, may be sought from the parent to confirm a change of circumstances. In such circumstance it remains the parents' duty to gather and provide the evidence.

## **“Relevant Areas” for Consultation Purposes**

11.36 Admission authorities consult within “relevant areas” on admissions arrangements. In Leicestershire, “relevant areas” are as follows:

- (a) for community and voluntary controlled schools in Leicestershire the geographical boundary of Leicestershire is the “relevant area”;
- (b) for each voluntary aided and foundation school in Leicestershire the “relevant area” is 8 kilometres (secondary) or 3.2 kilometres (primary).

## **How and When to Apply Changes to a School’s Admission Number (AN)**

11.37 If a school’s AN is increased, this may be applied immediately to every year group in the school, unless this would have a detrimental effect on teaching and learning, e.g. limits to the number and size of rooms available or large numbers in classes.

If a school’s AN is decreased, this should be applied only to the entry year group, unless numbers in other year groups need to be restricted, for instance to comply with the infant class size limit or if there is overcrowding in other year groups.

## **Children with Split Residence**

11.38 Only one residential address can be used for the purpose of applying for a school place.

## **Children of UK Services Personnel and other Crown Servants such as diplomatic staff**

11.39 For children of UK service personnel with a confirmed posting to the area or crown servants returning from overseas to live in the area, the Council will use the address at which the child will live when applying the oversubscription criteria, as long as the parent provides some evidence of their intended address. A unit or quartering address will be used as the child’s home address where a parent requests this and evidence, such as an official letter declaring the relocation, is received.

For families of service personnel with a confirmed posting, or crown servants returning from overseas, the admission authority will:

- a) Allocate a place in advance of the family arriving in the area (as long as one is available), provided the application is accompanied by an official letter that declares a relocation date. This must be an official government letter issued by a government department e.g. FCDO, UKVi, DIT. We will not refuse to process an application or refuse a place solely because the family do not yet have an intended address, or do not yet live in the area.
- b) Use the address at which the child will live when applying their oversubscription criteria, as long as the parents provide some evidence of their intended address. For example, we will use a Unit or quartering address as the child’s home address where a parent requests this.

## **12. Brookside Primary School Catchment**

[https://www.leicestershire.gov.uk/sites/default/files/catchment\\_details\\_2189.pdf](https://www.leicestershire.gov.uk/sites/default/files/catchment_details_2189.pdf)