

## Admissions 2012

This guide is for Free School groups whose applications have been approved by the Department for Education (DFE). It explains the key points to consider for running your admissions process during your first year of operation, when you may not be able to be part of the local authority's co-ordinated admissions.

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## Free Schools Admissions 2012

Free Schools will be their own admissions authority. That means they can decide on their admissions arrangements, but they will be expected to take part in the local authority's co-ordinated admissions.

In your first year of operation you will probably be too late to take part in the co-ordinated admissions process and will have to make your own arrangements.

This guidance highlights some points that Free Schools should be aware of when running admissions outside the local authority's time frame. You will have a Project Lead at the Department for Education (DfE) who will be able to support you through the process outlined below.

### Agreeing your admissions arrangements

One of the first things you must do when establishing your Free School is to put in place admissions arrangements. As your admissions may not be co-ordinated by the local authority in your first year, you will have to manage your own admissions.

Your Project Lead at the DfE will provide advice and support to develop your admissions arrangements in compliance with the School Admissions Code.

Your admissions arrangements will need to be completed and submitted to DfE by **31 October 2011**. Any areas where you wish to derogate from the Admissions Code will be subject to Ministerial approval. By mid-December, your admissions arrangements should be provisionally agreed with DfE. This will enable you to invite applications from parents and carry out your statutory consultation.

Parents must be able to apply to your school directly, as opposed to through the Common Application Form (CAF) run by your local authority. Your Free School will not appear on the CAF if you are not part of the co-ordinated admissions. You should make parents aware that they should be applying to other schools through the CAF to ensure their child gets a school if they are unsuccessful in applying for yours. You should also remind parents that they cannot apply to your Free School through the CAF.

Once you have a signed Funding Agreement, you will be able to make formal offers to parents.

In subsequent years, your school's admissions will be co-ordinated by the local authority, and parents will be applying to your school through the CAF.

## **Your Local Authority**

Even if you cannot join the co-ordinated admissions, we would urge that you work as closely with your local authority as possible. Local authorities vary in their arrangements and it is important you know what happens in your LA.

You should mirror your local authority's admissions timescales if possible – it probably won't be for secondary schools in the first year. You should also, if possible, give parents the same amount of time to respond to correspondence as the local authority gives them. For example, parents are usually given a two to four week window to accept offers of secondary school places.

You will be able to invite applications for places from January 2012 onwards, as soon as your admissions arrangements and annex have been provisionally agreed with the DfE.

Once your admissions arrangements have been provisionally agreed by DfE, you will also need to carry out statutory consultation on your admissions arrangements. Your Project Lead will be able to provide further advice on this.

Once your Funding Agreement has been signed, following the statutory consultation, you will be able to offer places to parents.

## **Local Authority Dates for 2012 Admissions Process:**

### **Primary Schools**

The deadline for submitting applications for primary schools is *15 January 2012* for entry in September 2012.

Most offers will be made by the end of April 2012. Dates vary between local authorities so you should check with your local authority to find out what date they have set. The appeals process will run between May and June 2012.

### **Secondary Schools**

The deadline for submitting applications for secondary schools is *31 October 2011* for entry in September 2012. Offers will be made on 1 March 2012.

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## How your local authority can help

### Pro-forma

Your local authority may be willing to share their pro forma for the standard letters they send to confirm offers, reject applications, or give notifications of appeals.

This will save you time and money. Otherwise you will need to seek legal advice to ensure that these letters contain the correct information.

### Duplicate offers

Each child given a place at your school will have received a duplicate offer from the local authority. You will need to work closely with the local authority to ensure that parents turn down one of their offers in a timely fashion. You should share your offer list with the local authority as soon as possible so that they can be aware of where duplicate offers have been made.

If you are close to the boundary of another local authority, then they should also be involved in this process.

## How other schools can help

It can be useful to speak to other local schools – Academies, grammar schools, independent schools and any others – that are their own admissions authority, especially if working with your local authority proves difficult. These schools may be able to share their pro forma for letters with you, which will help to ensure that your communications with parents are clear and robust.

These schools may also be able to help you with planning your appeals process (see below) with, for example, ensuring that your panel is properly trained.

## Waiting lists

These will be crucial because each child you offer a place to will have been offered a place by your local authority. You should maintain your waiting list carefully, and let your local authority know when you make offers to those on your waiting list, and the local authority will need to be aware of any duplicate offers.

## Appeals process

As you will be your own admissions authority, you must comply with the School Admission Appeals Code. This means that you will be responsible for forming your own appeals panels. For more advice about this, contact the [Administrative Justice and Tribunals Council](#) (AJTC). You must contact this body in any case to inform it of the dates you will be holding your appeals hearings. You should also keep your Project Lead informed about your appeals process.

You must ensure that all parents are aware of their rights to appeal.

### Constitution of panels

Each panel must have an **independent** appointed chair and clerk, who must be present for the entire hearing. The clerk must appoint 3 or 5 panel members who should be representative of the local area. You must ensure that you advertise properly for the panel members. Each panel must have a 'lay member' (someone without experience in education) and someone with experience in education.

Admissions authorities must fund the necessary training for their panel members.

### Timing of appeals

- Secondary schools – for on time applications, appeals must be held by 6 July or the next working day.
- Sixth form and Primary admissions – the case must be heard within 40 days of the appeal being made.
- In-year admissions – the appeals must be held within 30 days of the appeal being made.
- Late admissions – these should be heard with all other admissions; if this is not possible, they should be held within 30 days of the appeal being made.

The appellants must be notified at least 10 days in advance of the hearing.

### The Appeals Hearing

Before the hearing, you must give the clerk of the appeals panel the following information as the admissions authority:

- A written statement explaining how places at the school were allocated, with an explanation of how these were applied to the appellant's application as opposed to others who were offered a place;
- A written statement summarising the reasons for the decision (and the decision letter sent to the appellant). This must include a description of the school's capacity;
- An extract of the area's co-ordinated admissions scheme where relevant to the appeal;

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- Details of how the Fair Access Protocol operates where relevant (contact your local authority for details of the this); and
- Copies of documents that will be supplied to the panel at the hearing.

The recommended order for hearings is as follows:

- The admission authority's case
- Questioning by the appellants
- The appellant's case
- Questioning by admissions authority and panel
- Summing up by the admissions authority
- Summing up by the appellant

### **Reaching a decision**

Panels must follow the two-stage process when hearing appeals:

1. Establishing the facts – ensuring that your admissions apply with the School Admissions Code and part 3 of the [SSFA 1998](#), and that they were correctly applied in the case being heard.
2. Balancing the arguments - at which the panel exercises its discretion.

Verdicts must be reached either unanimously, or by majority. The panel's verdict will then be binding on the admissions authority. The panel must notify both the appellant and the admissions authority.

## Consultation

As a new school, you will have to consult on your admissions code. You may be able to run your statutory consultation and the consultation on your admissions code at the same time.

Your consultation is expected to take place for a minimum of six weeks – and this should happen in January.

All the information that you make available about your school must be clear and accessible. Your school's website will be a great resource – do ensure that all relevant information for parents is on your website.

The governing body of your school will be the 'admissions authority'. You will therefore be responsible for consulting on your admissions policies.

With reference to Academies, the School Admissions Code states that:  
*Admission arrangements for Academies are approved by the Secretary of State as part of an Academy's funding agreement, which requires it to comply with admissions legislation and the relevant Codes. An Academy is required to consult in the same way as other admission authorities do, but cannot alter its admission arrangements without the approval of the Secretary of State (1.29)*

This requirement will also apply to Free Schools.

## Marketing

You will have submitted, as part of your application to the Department for Education, a marketing plan. Throughout your pre-opening phase, you will have to market your school within your local community to ensure that you attract your full complement of pupil numbers.

You should also consider your open days carefully. These will be very important for local parents when making a decision about whether or not to apply for a place at your school. Open days are time consuming to organise and are one of the first elements of your marketing strategy that you should be planning.

Your marketing strategy will be especially important considering that you will not be part of the co-ordinated admissions and your school will not be appearing on the CAF.

### Further information and resources:

[The School Admissions Code](#)

[The School Admissions Appeals Code](#)

[Administrative Justice and Tribunals Council](#)

Requirements for statutory consultation: [Section 10 of the Academies Act 2010](#)