

## 4.1 Admissions

Free Schools are required to abide by the School Admissions Code, which aims 'to ensure that admissions arrangements are clear, lacking complexity and are fair.' In your application you must set out your admissions policy, in accordance with the School Admissions Code, the School Admission Appeals Code, and admissions law as it applies to maintained schools.

### Link to the admissions code:

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/school-admissions-codes-and-regulations>

In drawing up your admissions policy, you should familiarise yourself with the whole Code, but particularly with Chapter 2.

**It is the Coalition Government's intention to consult on a simplified and less prescriptive Admissions Code in 2011, but your application should assume no changes to the current Code.**

Specifically, your admissions policy must show that you have:

- A clear set of admissions criteria;
- An oversubscription policy; and
- A tie-breaking policy (explained below).

### What your policy cannot include:

- Selection based on **ability**, other than 10% in a specialist secondary.
- Selection based on **behaviour**, unless a pupil has already been permanently excluded twice.
- Interviews, surveys, questionnaires etc. for parents or pupils.
- Payment of any kind for admission.

### **Admissions criteria**

As part of the regular process for admitting pupils you must:

- Have an admissions number – a publically announced number of students you intend to admit, for each point of entry. Points of entry are typically:
  - **Reception**: the first year of schooling;
  - **Year 7**: the first year of secondary schooling; and
  - **Year 12**: the first year of post-secondary schooling (schools with a year 7 entry do not need to also have year 12 entry);
- Admit pupils with a statement of Special Educational Needs (SEN) who name your school as the one they wish to attend, even if your school is oversubscribed. The school may be given additional funding from the LA where the child lives, to cover the additional cost of provision for these pupils;
- Give highest priority in admissions arrangements to looked after children. This is true for all schools except faith schools, which may give highest priority to children in care of their faith,

followed by pupils of their faith, followed by children in care of a different or no faith, followed by other children; and

- Not have infant classes larger than 30 pupils to a teacher. Infant classes are defined as Reception, Year 1 and Year 2.

### **Local Authority coordination of admissions**

In their **first year of operation**, Free Schools **do not** need to be part of the Local Authority's (LA) process for allocating students to schools (known as "coordination"), as they may not have signed their funding agreement in time. In this case they will run their own admissions process. However, from the second year they must be part of the LA's process.

The standard LA process is as follows:

- LAs must publish their admissions arrangements for all schools by **1 May** the previous year.
- Applications are submitted to the LA, normally by the **end of October** for secondary schools and in **mid-January** for primary schools.
- The **LA coordinates admissions** so that parents receive a single offer and do not have to complete several applications. This will include Free Schools.
- Each school informs the LA of the rank order of all applicants against its admissions criteria. The LA then offers parents their highest available preference and sends out offers by **1 March** for secondary schools, or a **locally agreed date** for primary schools.
- Any contested decisions must be submitted by parents or schools to the Schools Adjudicator by **31 July**.

### ***Oversubscription***

Until the school is oversubscribed, all students must be admitted. If your school is oversubscribed you can choose from a number of oversubscription criteria. The most common are listed here, although there are other possibilities, which you can find in the Admissions Code.

Many oversubscribed schools make selections based on some or all of:

- **Siblings** of existing pupils can be given preference.
- **Attending a feeder school.** Feeder primary schools are schools formally linked to a secondary school (nominated as feeder schools within the school's admissions arrangements). The Admissions Code states that "feeder schools must be selected on an objective and consistent basis. Admission authorities must ensure that such arrangements do not unfairly disadvantage children from more deprived areas near the school." Feeder

schools cannot be independent primary schools but can be primary Academies. Nurseries (including independent nurseries) can be given priority, but parents will still have to apply for a place at the school, even if the nursery is attached to the school. If the nursery's intake is not considered fair and balanced (e.g. 100% faith intake), this may affect the number of students from the nursery that can be given places annually.

- **Residence in a catchment or priority area.** Catchment areas are geographical areas drawn up by the school – not necessarily next to the school – as a means of admitting pupils. You must make sure that the catchment areas adequately reflect the community as a whole to ensure that admissions are inclusive. Free Schools should submit a proposal for their catchment area to the DfE, but will also need to consult the local authority and other local providers.
- **Residence within a specified distance.** Many schools will operate simple 'distance' criteria from the school gates. You must be able to explain clearly how distance from home to the school will be measured including the points at the school and the child's home from which distance is to be measured.

**Note: Free Schools must take the majority (over 50%) of pupils from 'the local area' (schools have some freedom to define 'the area').**

- **Fair banding.** In fair banding, an oversubscribed school tries to ensure that it admits an equal number of pupils of each ability level. For example, if a school with an admissions number of 100 chooses to have 5 ability bands, 20 pupils will be taken from each band, ranging from the highest ability pupils to the lowest. If the school has 200 applicants it will test them all and divide them into bands based on their scores. The top 40 pupils would be in the first band, the next 40 in the second band, and so on. It would then apply its other oversubscription criteria to determine which 20 of the 40 children in each band are offered places. Testing must give an accurate reflection of the abilities of all children irrespective of sex, race or disability. Any testing arrangements must be explained clearly to parents and adequate notice of location and length of tests must be provided.
- **Faith membership or attendance** if your school is designated as a faith school. For Free Schools a **maximum of 50% of places** can be offered based on faith. See below for more details.
- **Ability** (only in secondary schools) where excellence is shown in one of the designated specialties of the school. This criterion can only be used to allocate a **maximum of 10% of places**; or
- **Medical or social needs** if a doctor or social worker writes in support of a pupil's application. This would be on the basis that for medical or social (family breakdown, bullying, abuse, psychological, etc.) reasons the child needs to go to your school above all others.

## ***Applications to a faith school***

If you are planning to open a faith school you should expect conversations with the DfE about the designation process, and you will be expected to demonstrate the support of a faith body. The official guidance is that '50% of places must be offered without reference to faith'.

### **Faith school example:**

If a school will have 100 places per year, there are three possible scenarios:

- **100 or fewer applications:** Everyone who applies must be accepted;
- **More than 100 applications, all from the school's faith background:** Having fulfilled the compulsory criteria of admitting pupils with SEN statements and those in care, you would prioritise children applying by other oversubscription criteria (e.g. siblings, catchment area);  
or
- **More than 100 applications, from a mix of faiths:** Oversubscription criteria should be applied in such a way that as close as possible to half the pupils admitted come from the relevant faith background, and the other half do not.

The following table shows what this means in terms of numbers:

<b>Applicants <i>with</i> the school's faith</b>	<b>Applicants with a <i>different or no</i> faith</b>	<b>Accepted <i>with</i> the school's faith</b>	<b>Others accepted</b>
199	1	99	1
198	2	98	2
150	50	50	50
130	70	50	50
150	1050	50	50
1050	150	50	50

### ***Tie-Breaking***

Free Schools will need a method of tie-breaking within these criteria, because two applicants may otherwise have equal priority. In this case they would use additional criteria, such as proximity to the school or random allocation to decide.

In random allocation, often known as a lottery, children's names are randomly selected from the total list of tied applicants by someone unconnected with the school. The first names selected are offered places. This is normally only used as a final tie-break or as a tie-break within catchment areas, but you would not be prohibited from using it as a basic oversubscription criterion, as many charter schools in the US currently do.

## ***Further information***

Contact NSN for tailored specialist advice: [info@newschoolsnetwork.org](mailto:info@newschoolsnetwork.org)

### **School Admissions Code:**

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/school-admissions-codes-and-regulations>

**Admissions requirements for Academies** are described in Annex B of the following document:

<http://www.education.gov.uk/schools/leadership/typesofschools/academies/becominganacademy/b0061866/supporting-documents/draft-model-funding-agreement-single-model-documents>