Primary and Secondary School Admissions and Appeals:

A Guide for Parents

department for
children, schools and families

Delivering on
The Children's Plan

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Introduction

Applying for school places can take time and effort. And as a parent, you want to get it right. This guide will help you through the admissions process and clear up any confusion about how it works.

To make sure everything's managed fairly, schools and local authorities must follow strict rules.

These rules, set out in the School Admissions Code and the School Admission Appeals Code, protect your rights and those of your child. They only apply to state schools and Academies and not to other independent/private schools.

The Codes are legally binding. If you believe your school or local authority has not followed the rules, you can refer your case to your local authority or object directly to the Schools Adjudicator.

This guide explains how the process works, what your rights as a parent are and how to appeal if you are not offered a place in one or more of your preferred schools.

How the school admissions process works

Your ***local authority*** manages the school admissions process for every local school in your local area and sets a deadline for applying for school places.

Each school has an ***admission authority*** which sets its ***admission arrangements*** each year – and the ***oversubscription criteria*** it will use to offer school places if there are more applications than places.

The admission authorities for state schools and Academies must comply with the School Admissions Code which sets out clearly what information they can and cannot ask you for when you are applying for schools for your child. They can only ask for information that will help them process your application, such as a proof of address or details of siblings already attending their school.

They are not allowed to ask for any other personal details about you or your child, or ask you to commit to supporting the school, financially or otherwise.

Admission authorities for different types of school

All children in England aged 5–16 are entitled to a free place at a state school.

Children normally start primary school at the age of four or five, move on to secondary school at the age of 11 and some attend school sixth forms at the age of 16. For ***middle schools***, children may start before or after the age of 11 and can transfer to these schools during the normal admissions process. Most state schools admit both boys and girls, though some are single-sex.

The admission authority for each of the five main categories of school may be the local authority or governing body (see table overleaf).

School	Admission Authority
Academies	Governing body
Community schools	Local Authority
Foundation schools	Governing body
Voluntary-aided schools	Governing body
Voluntary-controlled schools	Local authority

The above schools may be faith, grammar, specialist or boarding schools (see the glossary at the back for definitions).

The admissions rules

The School Admissions Code sets out the rules schools must follow. Some of these are listed below. If you think that a school is not following one of these rules, you can make an objection (see 'What to do if you think admission arrangements are unlawful' section).

What admission authorities **must** do

- ✔ consider every school listed in your application fairly and equally against their published oversubscription criteria (see 'More children than school places' section)
- ✔ admit everyone who applies, if there are places available for them
- ✔ give priority to children in the care of the local authority above all other children when allocating school places. This rule applies to all schools, including faith schools (see 'Rules for different kinds of schools' section)
- ✔ use a fair, effective tie-breaker system if many children fit the same criteria. Some admission authorities use ***distance from home to school*** as a deciding factor, while others use a random ballot.

What admission authorities **must not** do

- ✘ interview children or parents
- ✘ only consider an application if you put the school as your first preference
- ✘ consider details about or take account of the behaviour of other family members, including those currently or no longer attending the school
- ✘ consider reports from previous schools/nurseries when making a decision

- give priority to children whose relatives were former pupils at the school
- use tests for non-selective schools unless as part of approved aptitude or banding arrangements
- withdraw a place once offered, except in very limited circumstances, for example, if the application is found to include false information or the local authority offered a place in error.

Admission authorities **must not** ask for the following in the application or in any supplementary/additional form:

- information that is not directly relevant to the oversubscription criteria used when processing your application
- photos to be supplied with the application form (except to identify children taking entry tests)
- require contributions to school funds or commit you to expensive costs (for example, by creating a costly uniform or asking for money towards school trips)
- personal details (or documents that include personal details) about you such as marital status, criminal record, occupation, earnings, background or educational qualifications
- information about disabilities, health, interests, hobbies or whether you are members of local groups for parents or children.

What to do if you think admission arrangements are unlawful

By 1 May, local authorities must publish information in a local newspaper explaining where you can see the admission arrangements for all schools in that area that are to be used to allocate places for entry in September of the following year.

If a school's admission arrangements contain practices or oversubscription criteria that break the School Admissions Code (see 'The admissions rules' section), you can object to the independent Schools Adjudicator. Their role is to ensure a fair admissions system by making sure the Code is followed.

When you can make objections

You can only object during a certain time period. The deadline for objecting to the Schools Adjudicator is 21 August each year. Objections to a school's admission arrangements will not affect any application you make to that school.

If you notice unlawful arrangements after this deadline, you can still notify your local authority about this.

To object you can either:

- make the objection yourself. You'll need to complete a form, and the Schools Adjudicator will aim to reach a decision within six weeks of receiving your information.

OR

- contact your local authority School Admissions team, who can also make objections to the Schools Adjudicator.

The Adjudicator's decisions are binding. Further information, including guidance on what you can object to, is available on the Office for the Schools Adjudicator website – see 'Where to find out more' at the back of this guide.

Objections about Academies must be made to the Secretary of State. Go to the 'Where to find out more' section to see how to do this.

Choosing schools to apply for

Local authorities must allow parents to express a minimum of three preferred schools on the application form. To help you decide which schools to apply for, it's a good idea to:

- read the 'Information for Parents' booklet from your local authority. This sets out admission arrangements for all the local schools
- ask local schools to send you their prospectus
- visit schools or go along to open days
- talk to your child, who will have their own ideas
- talk to friends and neighbours with school-aged children
- read each school's Ofsted inspection report (you can find these on the Ofsted website) and look at the Achievement and Attainment Tables at the Department for Children, Schools and Families (DCSF) website.

If you're selecting a secondary school, find out from your local authority if you are eligible for help from a Choice Adviser, who will discuss your child's options with you.

Completing your application form

Once you have decided which schools are right for your child, you need to get an application pack from the local authority. Complete the application form in the pack or submit your application online.

Some admission authorities may get you to fill out a supplementary form, as well as the application form, asking for extra information (see 'The admissions rules' section on what they can and cannot ask). Remember to send your completed form off by the deadline, to avoid any delay in receiving your offer of a school place.

Where to submit your application

If you are applying for a place in a primary school, submit your application to the local authority where the school is based. If you are applying for secondary schools, send it to the local authority where you live.

What if my child has special educational needs?

Most children's needs can be met by a mainstream school. But talk to your local authority and your child's doctor about what sort of school would be best.

In some cases the local authority will need to assess your child's educational needs. If they decide your child needs specialist help, they will make an assessment and may write a Statement of Special Educational Needs, naming a school.

This means that a state school that is named **must** give your child a place. If you apply for a place in the middle of the school year, the school **must** give your child a place straightaway, even if classes are full.

Community special schools and foundation special schools also cater for children with specific special educational needs, such as physical disabilities or learning difficulties. The School Admissions and Appeals Codes do not apply to these schools.

More children than school places: what happens?

Schools must accept all children who apply if there are enough places (this does not apply to grammar schools which accept children solely on academic ability).

But popular schools might get more applicants than places available. In that case, they must allocate places using their oversubscription criteria.

What are oversubscription criteria?

Each school admission authority must publish its own admissions arrangements, explaining how it will decide to allocate places to children. These are called ***oversubscription criteria***.

Your application will be assessed against these criteria and those that meet the criteria best will be prioritised.

These criteria should be set out in both the school's prospectus and the local authority booklet for parents. This will help you decide how likely your child is to get a place at each school, before you decide which to apply for.

Remember that oversubscription criteria may be different for each school, so it is a good idea to check the criteria for every school you are interested in.

How oversubscription criteria work

The School Admissions Code sets out fair ways in which schools can admit children and forbids them from using other, unfair oversubscription criteria. Admission authorities must then follow the criteria laid out by their own admissions policies when allocating school places to children.

Rules for different kinds of schools

Primary schools

Primary schools must explain the different options for children starting school.

For example, if your child does not turn five until late in the school year, you may prefer to wait until the January before starting them at school.

Schools can prioritise children at attached nurseries, but they should make it clear to you that attending a particular nursery does not necessarily guarantee children a place at the school.

The law says that infant classes must not contain more than 30 children to one teacher. Infant classes are those where the majority of children will reach the age of five, six or seven during the school year.

If you are applying for an infant place, admission authorities may refuse your application if they have reached this limit.

Frequently used oversubscription criteria

Here are some examples of oversubscription criteria commonly used by admission authorities (it's not a full list):

- **social and medical need** – for example, if one of the parents or the child has a disability which makes travel to a distant school difficult. They must be clear about what evidence they need to support the application. This might be a doctor/professional's statement and is not the same as a Statement of Special Educational Need
- **siblings** – that is, children who have brothers or sisters at the school. The older child must be attending the school when the younger child is due to start. Check the wording in your admissions pack to see if it covers half-siblings, step-siblings and adopted siblings
- **distance from home to school** – giving priority to children who live closest to the school. How this is measured will vary between admission authorities
- **catchment area** – this is not always the same as distance from the school. Some school catchment areas are oddly shaped and you may find you do not live in the catchment of the school nearest to you. If catchment areas are used where you live, the school's admission arrangements must be clear about which locations are included
- **random allocation** – a random ballot may be used alongside other criteria to allocate places to children. It is often used as a tie-breaker.

Secondary schools

Secondary schools are allowed to prioritise children from named ***'feeder' primary schools*** in the area.

Faith schools

These schools can prioritise children of their faith if there are more applicants than places. They may prioritise in this order:

- children in care of the faith
- other children of the faith
- children in care who are not of the faith
- other children

Faith schools must be consistent how they ask parents and children to demonstrate their faith, and must ask for this in writing. This may be in the form of a reference from a faith leader.

Grammar schools

- are allowed to ask children to sit a test as part of the admissions process
- can leave spaces empty at the school if not enough children pass the test

Boarding schools

- must prioritise children in care first, followed by children who need to board – for example, because they are vulnerable at home
- are allowed to assess children to see if they are suitable for boarding, based on their personality and background (they use an interview for this purpose)

Waiting lists

Admissions authorities don't have to keep waiting lists for over-subscribed schools. If they do, they must say so in the school's published admissions arrangements.

Children on the waiting list must be ranked according to the school's oversubscription criteria and the place allocated accordingly. When a school place becomes available (for example, because a child moves out of the area) that place must be allocated to the child at the top of the list, not on a 'first come, first served' basis.

The Admissions Process

1 MAY

Local authorities publish information about where you can see admission arrangements for September the following year.

UNTIL 21 AUGUST

You can object to unlawful admission arrangements until 21 August each year – contact your local authority or object directly to the Schools Adjudicator.

SEPTEMBER

Information and application packs for primary and secondary school admissions are made available by LAs. You select schools to apply for.

SEPTEMBER – NOVEMBER

You can submit your application for your child to primary or secondary schools from September. You can name a minimum of three schools in the order you prefer. Some LAs offer up to six preferences.

Primary applications may be open until March, check with the LA you are applying to for the deadline. Submit your form, by post or online to the LA where the school is.

For **secondary** applications submit your form, by post or online to the LA where you live.

After the closing date

Admission authorities must consider all applications equally against its published oversubscription criteria.
Your child will be offered a place at the highest choice school where you have met the oversubscription criteria.

National Offer Day – 1 MARCH (or next working day)

If you made an application for a **primary** school place you should receive the decision between March and May. Check with the LA you applied to for the exact date.

If you made an application for a **secondary** school place you should receive the decision on National Offer Day.

If you are not happy with the decision you receive you can appeal – see page 14 for the appeal process.

What happens if you apply late or after the normal admissions round?

If you apply for a school place after the admissions process is over – perhaps because you missed the local authority deadline or you recently moved into the area – this is called ***applying outside the normal admissions round*** or a ***casual admission***.

Your application will be treated differently than during the normal admissions process, because the school places for the next academic year have already been allocated and there may be limited places available in schools.

Rules for applications received outside the admissions round

- You can apply for a place at a school at any time.
- They must consider applications for a place straightaway. If your preferred school has places, you must be offered one. If they cannot offer a place, they must offer you the right of appeal.
- Admission authorities cannot refuse to admit your child simply because you applied later than other applicants, because your child is not of the right faith (in the case of a faith school) or because your child did not take the entry test for a particular school.
- Once a place is allocated for your child, they should be able to start school as soon as is practically possible. Admission authorities can arrange for children to begin at the start of the next school term, rather than in the middle of a term, to minimise disruption.

Appeals

If you are not satisfied with the outcome of your application, you have the right to appeal to an independent appeal panel.

If you want to appeal about more than one school (for example, if you listed three schools in your application and you want to appeal for the two which did not make you an offer) you will need to appeal separately about each decision.

If the admission authority made a mistake in dealing with your application

If the admission authority discovers it has made a mistake and you should have got a place at a school, it must give your child a place at that school straightaway. You won't have to go through the appeals process.

If you are appealing about a place in an infant class

Infant classes must not contain more than 30 children taught by one teacher. Schools may refuse admission on the grounds of '***infant class-size*** prejudice' to prevent classes exceeding 30 children.

There is the odd rare exception to this rule – for example, when a child moves into the area outside the admissions round and no school in the area has places available. Or if a child is in care or has special educational needs.

An exception will also be made when an appeal for a place in an infant class is upheld. The appeal panel can only uphold infant class-size appeals in certain limited circumstances, which will be explained in the information you get from the admission authority on how to appeal.

How the appeal process works

Appeals are heard by an independent panel of three to five voluntary members of the public. At least one will have an educational background.

Panels cannot include members of the governing body of the school you are appealing about, staff at the local authority or anyone else who may not be sufficiently neutral in making a decision.

You can attend the hearing, along with any other parents involved if the panel is hearing lots of appeals for the same school. Each parents' case will be heard individually. You can also ask someone, such as a friend, to accompany you, but you should not bring your child to the hearing. Representatives of the admission authority for the school will also be there to present their case.

The chair of the panel will direct the appeals hearing and make sure that everyone present is treated fairly.

When will my appeal be heard?

Appeals are heard as quickly as possible.

- If you are appealing about a secondary school place applied for in the normal admissions round, the hearing should take place by 6 July (or the next working day if this falls on a weekend).
- If you are appealing about a primary school place, the hearing should take place no more than 30 school days after the closing date for appeals to be lodged.
- For appeals outside the normal admissions round the appeal panel must hear your appeal no more than 30 school days after you lodge it.

Before the hearing

The admission authority for the school must write to you at least 10 school days before the appeal hearing, confirming the date.

You need to tell them whether or not you can attend. If you can't make the date of the appeal hearing and it cannot be rescheduled (for example, because it is a multiple appeal involving lots of other parents), the appeal will go ahead in your absence. It will be decided on the written information you submit.

You should also provide any written evidence that is asked for in the letter. Members of the school you are appealing for aren't allowed to support your appeal, for example by writing a letter for you to take to the hearing.

You can request information from the admission authority to help you prepare your case. Organisations such as the Advisory Centre for Education (ACE) can provide guidance on preparing your case – see 'Where to find out more' section at back of this guide.

What happens at an appeal hearing?

Both the admission authority and parents are given an opportunity to explain their case without being interrupted.

This is what usually happens:

- the panel chair welcomes everyone and explains the procedure
- the case for the admission authority is heard
- questioning by the parents and panel
- the case for the parents is heard
- questioning by the admission authority and panel
- summing up by the admission authority
- summing up by parents

Reaching a decision

The appeal panel reaches a decision in private, by a majority vote.

If the panel is considering a large number of appeals about the same school, it will not make a decision about an individual case until all parents have had a chance to put their case forward.

The panel will write to the parents and the admission authority to tell them the decision and give clear reasons for that decision. If the appeal has been upheld they should let you know when your child can start at the school.

If your appeal fails

You can't appeal twice for a place at the same school in the same school year unless the admission authority agrees that your first appeal wasn't conducted properly or they accept that there has been a change in your circumstances.

You can apply for a place the following school year, and if your application is refused, you have the right to appeal again.

If you think your appeal hearing was not managed properly, you can write to the ***Local Government Ombudsman*** to complain. This isn't the same as an appeal and the Ombudsman can't overturn an appeal panel's decision. They can, however, recommend that your appeal is heard again before a new panel.

Any complaints about the administration of appeals about Academies need to be referred to the Secretary of State (please refer to the 'Where to find out more' section on how to do this).

The Appeal Process

Glossary

Academies
Independent state schools which are not under the umbrella of local authorities and instead have a direct relationship with the Department for Children, Schools and Families.

Admission authority
The body which decides a school's admission arrangements. This is either the local authority or the school governing body.

Admission arrangements
The overall procedure, practices and oversubscription criteria used in deciding allocation of school places.

Appeal panel
An independent panel which hears appeals against admissions decisions.

Banding
An admission system in which all children applying for a place at a school are placed in ability bands, based on their performance in tests. The results are used to ensure that the school offers places to children across a wide range of abilities.

Boarding schools
Schools where some or all pupils live as well as study during term time.

Catchment area
A defined geographical area which is used to decide which applications may be given priority to attend a particular school.

Children in care
Children who are in the care of local authorities.

Choice Advice
An independent service which can support families who need help during the secondary school admissions process. Choice Advisers can help you make your choice, but cannot make decisions for you.

Community schools
Community schools are run by the local authority which decides on the admissions arrangements. Community schools look to develop strong links with the local community, sometimes offering use of their facilities and providing services such as childcare and adult learning classes.

Faith schools
Faith schools have particular religious character. They are mostly run in the same way as other state schools. However, their faith status may affect their curriculum and also their admissions policies.

Feeder primary schools
These are the schools from which the secondary school normally takes its pupils.

Foundation Schools
Foundation schools are run by the governing body, which sets the admissions arrangements.

Governing bodies
Every school has a governing body, which often includes parents. Governing bodies promote high standards of educational achievement. They have three key roles: setting strategic direction, ensuring accountability and monitoring and evaluation.

Grammar or selective schools
Schools which select all or a proportion of their pupils on the basis of academic ability.

Independent schools
Independent schools set their own curriculum and admissions policies. They are funded through fees paid by parents and the School Admissions and Appeals Codes and this guide do not apply to them.

Infant Class Size Limit
Infant classes, where the majority of children are aged five, six and seven, must not exceed 30 children per teacher.

Local Government Ombudsman
An independent and free service which investigates complaints about public processes, including school admission appeal hearings.

Middle Schools
Schools with a different entry point to primary and secondary schools – normally an entry age before or after 11 years of age.

Where to find out more

You may find these organisations and websites helpful if you have any questions about what you've read in this guide, you need more advice about applying for a school place for a child, or want to appeal against a decision.

For general information about school admissions and appeal processes
Visit Directgov, the government website, at www.direct.gov.uk/en/index.htm

For information about how your local admissions process works
Contact your local authority. You can find their details in the phone book, or by going to Directgov at:
www.direct.gov.uk/en/Dl1/Directories/Localcouncils/index.htm

To get information about schools
Visit Directgov
http://schoolsfinder.direct.gov.uk/

To read Ofsted inspection reports about local schools
Visit the Ofsted website at:
www.ofsted.gov.uk

To get information on school achievement and attainment
Visit the DCSF website at:
www.dcsf.gov.uk/performancetables

To get general, objective advice about school admissions in your area
Visit your local Citizen's Advice Bureau – find details of their nearest office in the phone book, or go to:
www.citizensadvice.org.uk/index/getadvice.htm#searchbox

To get general, family-oriented information
Visit www.direct.gov.uk/en/Parents/index.htm

For advice on admissions and appeals
Contact the Advisory Centre for Education:
Tel: 0808 800 5793
www.ace-ed.org.uk

or text ADMISSIONS to 68808 to get free advice on the admissions and appeals process. If you have a specific question, text ADMASK followed by a space and your question (160 characters).

To object to an admission authority's admission processes or oversubscription criteria
Contact The Secretary, Office of the Schools Adjudicator, Mowden Hall, Staindrop Road, Darlington DL3 9BG
Tel: 0870 001 2468
Email: osa.team@dcsf.gsi.gov.uk
www.schoolsadjudicator.gov.uk

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