

THE WEST SUSSEX AGREED PROTOCOL FOR ALL IN-YEAR PUPIL ADMISSIONS SEPTEMBER 2023

1. Objective

To achieve an effective process for In-Year Admissions, that is applied with transparency and consistency across the county.

2. School Admissions Code

2.1 The School Admissions Code 2021 requires the following:

- The Local Authority **must** publish how in-year applications for 1 September can be made and will be dealt with by **31 August** at the latest each year. This includes setting out which schools they will coordinate the applications for and which schools will manage their own In-Year admissions.
- All own admission authorities **must** set out by **31 August** at the latest each year, on the school's website how In-Year applications will be dealt with from 1 September to 31 August.
- The Local Authority **must**, on request, provide information about the places available in schools within its area. To enable them to do this, the admission authorities for all schools in the area **must** provide the local authority with details of the number of places available at their schools whenever this information is requested, to assist a parent seeking a school place. Such details should be provided no later than two school days following receipt of a request by the local authority.
- The Local Authority to provide a suitable application form for applicants to complete when applying for any school for which it is not the admission authority.
- Admission authorities to notify the Local Authority of applications for their school as and when they are received.
- **Admission authorities to notify the Local Authority of outcomes of applications for their school within 3 school days of receipt of the application.**
- The Local Authority will send out a reminder to any school who has not responded within the 3 school days. If there is still no further response, the application will be escalated to a Senior Admissions Officer/Admissions Team Manager who will e-mail a senior member of the school and give until 12 noon to respond before an offer is made (4 days).

- The Local Authority will then send the application to the next preferred school (latest on the 4th day) giving them three days in which to respond, and a reminder letter if no response and then follow as above with escalation to Admissions Manager if necessary. If this response is negative, then the same process will operate for the 3rd preferred school.
- If the child is unplaced and vulnerable and meets the Fair Access Panel (FAP) criteria, or is having difficulty in securing a school place, then the application will be sent to FAP. (For placed children, Fair Access and Admissions to agree to take to FAP)
- In exceptional circumstances schools may refuse under 3.10 of the Admissions Code (defined in 3.7 of this document), any of these cases will be dealt with by the admissions Manager who may seek clarification with the school and ensure the agreed criteria for 3.10 refusals has been met (see appendix 1).
- It is expected that most applications will not need to go to FAP and that schools will admit at the time of being sent the application.
- Admission authorities to advise each applicant of their right of appeal against the refusal of a place
- Admission authorities to keep the Local Authority up to date on the number of places available at their school.

2.2 What is an In-Year application?

An application for a place at a school during the academic year or for entry to a year group which is outside the normal starting school and transfer processes.

- 2.3 West Sussex County Council (WSCC) will continue to process the in-year admissions for all Community and Controlled schools and to coordinate admissions for the majority of Own Admission Authorities (OAA) schools. We strongly believe that Local Authority coordination contributes to the safeguarding of children. (See 3.1 below)

3. **In-Year admissions process for Community and Voluntary Controlled schools and OAA schools where WSCC coordinate 2023/2024**

- 3.1 The Local Authority receives applications and coordinates admissions for Community and Voluntary Controlled schools and OAA schools where they have requested that we coordinate for them. To enable local authorities to do this, schools **must** inform the local authority by **1st August 2023** whether they intend to be part of the local authority's In-Year coordination scheme for the period to **31 August 2024**. **In all subsequent years**, Own Admission Authorities **must** inform the local authority by **1 August** at the latest each year whether they intend to be part of the Local Authority's In-Year coordination scheme or whether they will be managing their own In-Year admissions. By the same date, schools that intend to be part of the Local Authority's In-Year coordination scheme **must** also

provide the Local Authority with all the information they are required to publish on their website including any application forms.

- 3.2 WSCC provides an online form for applicants and encourages applicants to name up to **three** preferences on their application. Applicants who are unable to access the online form can request a paper form by telephoning 03330 142 903.
- 3.3 In-year applications are processed in strict order of the date they are received.
- 3.4 In-year applications that are received for a September entry will be accepted from 20 May and will be batch processed from 1 June. In-year applications for September received on or before 19 May will be returned to the applicant and must be resubmitted on or after 20 May. These applications will then be allocated based on their priority under the oversubscription criteria (not the date received). Where preferences cannot be met children will be added to the relevant waiting lists and applicants advised of their right of appeal.

The reason that we do not process in year applicants for September before the 1st June is to ensure that parents wishing to take up places immediately have priority up until the 1st June, after that time all applications are treated equally according to the oversubscription criteria.

- 3.5 On receipt of the completed in-year application the Pupil Admissions Team will check the form to ensure that it has been completed in full, validate the address and, from the information provided, identify whether the child is a child looked after (CLA), or has an Education, Health & Care Plan (EHCP).
- 3.6 The Pupil Admissions Team will consider the preferences named on the application against the numbers on roll at the named schools. If there is availability at more than one of the named schools, a place will be offered at the highest available preference and all lower preferences will be disregarded. Offers should be made within 10 school days but **must** be made within 15 school days.
- 3.7 Parents who are not offered a place at one of their preferred schools are allocated a place at their catchment school where possible, or the next nearest alternative school with space, where their catchment school is full.
- 3.8 If the school has a vacancy, the only reasons why it may not be able to make an offer is if the child has:
 - been permanently excluded from two or more schools. In this case the requirement to comply with a preference is removed for a period of two years following the latest exclusion; or
 - has an Education, Health and Care Plan (EHCP) that names another school in the plan (these applications are managed by the Special Educational Needs Assessment Team).

- Under 3.10 of the Admissions Code September 2021 a school may not want to admit the child because it has good reason to believe that the child may display challenging behaviour¹ it may refuse admission and refer the child to the Fair Access Protocol if unplaced and vulnerable;

¹ *For the purpose of the Code, behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.*

See separate criteria agreed by all secondary schools in relation to 3.10 of School Admissions Code refusals (appendix 1)

- 3.9 All schools to be mindful of 3.9 of the School Admissions Code 2021 which states "Admission authorities **must not** refuse to admit a child on behavioural grounds in the normal admissions round or at any point in the normal year of entry, except where paragraph 3.8 of the School Admissions Code applies" (Children excluded twice).
- 3.10 Only the Pupil Admissions Team will issue the offer letter to an applicant and schools should not indicate the outcome to the applicant until the offer letter has been sent. The offer letter will advise the applicant of their right of appeal if unable to offer a place at a higher preference school.
- 3.11 A copy of the offer letter and the application form will be sent by email to the offered school. Once this has been received the school should make contact with the parents to welcome the child and make the arrangements for them to start.
- 3.12 Applicants are advised that their child must start at the offered school with 10 school days from the date of the letter. All schools must complete an 'on roll' form within 5 school days of the child being placed on roll in accordance with the 'on roll' procedure.
- 3.13 If the offered school is unable to make contact with the applicant within 10 school days, schools must advise the Pupil Admissions Team who will make every effort to contact the applicant. The offer will not be withdrawn until the Pupil Admissions Team is satisfied that the child will not be attending the offered school and that they are receiving suitable alternative education. Schools must keep a place for the child until advised otherwise by the Pupil Admissions Team.
- 3.14 Waiting lists for all schools where WSCC coordinate will be maintained by the Pupil Admissions Team. Children are placed on the waiting list based on their priority under the oversubscription criteria. Schools must notify the Pupil Admissions Team if there is any movement within year groups to enable them to offer to the next child on the waiting list. If a child has been refused under 3.10 of the Admissions Code, they will not go on the

waiting list. A further application would be considered the following academic year.

- 3.15 Children can only be placed on waiting lists for higher preference schools they have applied for and been refused in writing.
- 3.16 The Pupil Admissions Team will confirm to the school once a waiting list offer has been made.
- 3.17 Waiting lists will be cleared at the end of each academic year. Parents must make a fresh In-Year application for the following year group if they wish their child to be placed on a waiting list the following academic year. These applications can be made on or after 20 May and will be considered from 1 June.

4 In-Year admission process for Own Admission Authority Schools who coordinate their own applications 2023/2024

- 4.1 All applications received by the Pupil Admission Team for OAA schools who coordinate their own in-year admissions will be forwarded to the school for consideration. Schools are expected to consider all applications regardless of which form is completed.
- 4.2 Schools which require additional information in order to apply their admission criteria may use a Supplementary Information Form (SIF).
- 4.3 OAA schools must consider each application in accordance with their published admission criteria. If there is no vacancy in the year group, the decision is likely to be straightforward. However, if the school has a vacancy, the only reasons why a school might not be able to indicate an offer are if the child has:
 - been permanently excluded from two or more schools. In this case the requirement to comply with a preference is removed for a period of two years following the latest exclusion; or
 - has an Education, Health and Care Plan (EHCP) that names another school in the plan (these applications are managed by the Special Educational Needs Assessment Team).
 - Under 3.10 of the Admissions Code September 2021 a school may not want to admit the child because it has good reason to believe that the child may display challenging behaviour¹ it may refuse admission and refer the child to the Fair Access Protocol if unplaced and vulnerable;

¹ For the purpose of the Code, behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly

interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

See separate criteria agreed by all secondary schools in relation to 3.10 of School Admissions Code refusals (appendix 1)

- 4.4 All schools to be mindful of 3.9 of the School Admissions Code 2021 which states "Admission authorities **must not** refuse to admit a child on behavioural grounds in the normal admissions round or at any point in the normal year of entry, except where paragraph 3.8 of the School Admissions Code applies" (Children excluded twice).
- 4.5 If an application is received and the year group has a vacancy, the school must first make sure that there is no waiting list. If there is a waiting list, any new application must be ranked against the admission criteria and placed in the appropriate place on the list. The available place must then be offered to the child with the highest priority.
- 4.6 Where a place cannot be offered, the applicant must be notified in writing and the outcome letter must advise the applicant of their right of appeal and give details of the waiting list process.
- 4.7 OAA's should make an offer within 10 school days but **must** make an offer within 15 school days. If, following the offer no response is received from the parent after 10 school days from the date of offer the school must make all reasonable efforts to contact the applicant before making a decision to withdraw the offer. This must include contacting the Pupil Admissions Team as they may have information relating to the applicant.
- 4.8 As soon as the outcome of an application has been made, the school must notify the Pupil Admissions Team within **3 school days** of the application being received. A reminder will be sent on the fourth day to any school that has not responded, with escalation to the Senior Admissions Officer/Admissions Team Manger if no response. If the school are refusing, a reason must be given. Where an offer is made schools **must** complete an 'On Roll Form' within **5 school days** of the child being placed on roll. If there is no vacancy and therefore no offer is to be made, schools must notify the Pupil Admissions Team as soon as possible after the application is received and send a copy of the refusal letter. Letters must include the reason for refusal and the right to appeal.
- 4.9 Waiting lists will be maintained by each school. Applicants should not be placed on a waiting list until they have made a formal application and been refused a place in writing. If a child has been refused under 3.10 of the Admissions Code, they will not go on the waiting list. A further application would be considered the following academic year.
- 4.10 Waiting lists must be ranked in accordance with the oversubscription criteria. Priority cannot be given to a child based on the date their application was received or when they requested to go on the list.

- 4.11 If an applicant is placed on the waiting list, the school must not give any indication of where the applicant is placed or when a place may become available. Parents must be advised that waiting lists are only ordered when a space becomes available and is based on the oversubscription criteria at that time, therefore waiting list positions will not be available.
- 4.12 No one individual is permitted to make an admission decision. OAA schools are advised to take this into account when considering how admission decisions will be made.
- 4.13 If an OAA school allocates a place from their waiting list, they must notify the Pupil Admissions Team of the child who receives the offer.

5 Applications to an Out of County school and sharing details of Out of County applicants with other Local Authorities

- 5.1 If an applicant wishes to apply for an Out County school, they should complete the relevant Local Authority's in-year application form and return it as directed by that Local Authority.
- 5.2 Where the Local Authority receives an application from a child who lives outside of West Sussex, the process for considering a place is the same as for children living within WS. The Pupil Admissions Team will share details of the application and the outcome with the relevant home Local Authority to ensure that they can meet their duties with regard to tracking and safeguarding of children.

6 Looked After Children (LAC)

- 6.1 Schools are reminded that local Authorities **must** secure school placements for Looked After Children within 20 school days. As such, applications for LAC must be considered quickly to prevent any delay in their admission.

7 Enquiries from applicants

- 7.1 If an applicant approaches a school about availability of places and there is a vacancy within the relevant year group, schools should be mindful that there may be other applications pending when advising of any vacancies. Problems occur when schools indicate to parents that they have a space for their child without checking with the Pupil Admissions Team for any outstanding applications.
- 7.2 Parents **must not** be refused the opportunity to make an application or be told that they can be placed on a waiting list rather than make a formal application. Upon receipt of an in-year application, the admission authority, or the Local Authority if it is co-ordinating the admissions authority's in-year admissions, should aim 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. Where an application is refused, the admission authority **must** also set out the reason for refusal and information about the right to appeal in accordance with paragraph

2.32. Where an admission authority manages its own in-year admissions, it **must** also notify the Local Authority of every application and its outcome within **3 school days**, to allow the Local Authority to keep up to date figures on the availability of places in the area and to ensure they are aware of any children who may not have a school place. A reminder will be sent on the fourth day to any school that has not responded, with escalation to the Senior Admissions Officer/Admissions Team Manager if no response.

- 7.3 No applicant should be required to disclose the details of the child when making a general enquiry regarding vacancies.
- 7.4 If a request is received from an applicant to view a school, arrangements should be made for this to happen as this will help the applicant decide if it is the right school for their child. **A visit should not be refused on the grounds that there is no vacancy at the school**, as an applicant still has the right to state a preference for the school and, if it is not possible to offer a place, the applicant can appeal against the decision.
- 7.5 If an applicant is moving into the area and wishes to apply for a West Sussex school before they have a confirmed address they may do so, but the address used when processing the application will be the address where the child is currently living. If an offer is made, it must be accepted within 10 school days and it is the parent's responsibility to ensure that their child arrives on-time every day.

8 Other Important points:

- 8.1 No applicant or child should be interviewed as any part of the application or admission process unless it is to assess suitability for boarding. If schools meet applicants before admission, for example at an open evening or a visit to the school prior to an application being submitted, it should be made clear that the meeting forms no part of the admission process and cannot be used to select between applicants on a waiting list.
- 8.2 Admissions should not be delayed for a child who has English as an additional language. All applicants must be considered in accordance with the school's admission criteria, and if a place is subsequently offered, arrangements should be made to admit the child within 10 school days
- 8.3 If the child is attending another school, the earliest start date can be negotiated to take into account any exceptional circumstances of the child, e.g where a child is due to take exams at their original school. A reasonable maximum length of time that a place should be held open for is 10 school days. However, this may be extended up to 4 weeks if parents wish their child to start at the beginning of the new term. Where there are no exceptional circumstances it is reasonable to expect the child to start as soon as possible.
- 8.4 Managed Moves (MM) are not part of the School Admissions Code and should not be used if an In Year Application form (IYA) has been completed by the parent. No IYA should be **converted** to a managed

move. Managed Moves are part of the Exclusion Code and may be used to prevent Permanent exclusion prior to an IYA being received. (See DFE Exclusion from Maintained schools, Academies and Pupil Referral Units in England) at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921405/20170831_Exclusion_Stat_guidance_Web_version.pdf

- 8.5 From September 2023, the IYA2 will cease to be sent out by West Sussex Admissions when the IYA is received. Schools are still able to communicate with a current/previous school themselves if they wish but must not refuse the application just because they have not received information from the current/previous school. 2.28 (d) School Admissions Code. Schools must also ensure any information gathering they wish to do is completed swiftly in order to comply with the 3 day response time for applications. Schools must also take note of section 1.9 (g) of Schools Admissions Code in relation to taking account of information from previous schools.
- 8.5 Interviewing parents and children must not take place before an offer is made 1.9 (m) of the Admissions Code.

9 **Fair Access Protocol - Please refer to the West Sussex Fair Access Protocol.**

10 **On Roll and Removal from Roll forms & Safeguarding**

On Roll Forms

The Education (Pupil Registration) (England) (Amendment) Regulations 2016

All schools must notify the local authority within five school days of adding a pupil's name to the admission register and must provide the local authority with all the information held within the admission register about the pupil. This duty does not apply to pupils who are added to the admission register at the start of the school's normal year of entry – for example pupils who are registered at a secondary school at the start of Year 7 – unless the local authority also requests for such information to be provided.

Removal from Roll Forms

The Pupil Registration Regulations 2006, with amendment of 2016 states that it is compulsory to notify the LA of any children removed from a school roll (outside of the normal admissions rounds). The Pupil Reg 2006 Section 8 entitled "Deletions from Admission Register" sets out the prescribed grounds on which the name of a pupil of compulsory school age can be deleted from the roll. Please see below:

<https://www.legislation.gov.uk/uksi/2006/1751/regulation/8/made>

<http://edyourself.org/archivechangespupilregregs.pdf>

If schools have any queries in regard to whether or not they can remove a pupil from their roll, they should contact their CME Officer who will provide guidance based on the regulations with consideration of the individual child's circumstances:

Area Mid & North Schools: Sarah Vaughan-Turner: sarah.vaughan-turner@westsussex.gov.uk

Area South & West Schools: Nikki Parsons:
Nikki.parsons@westsussex.gov.uk

For any further information on school admissions please don't hesitate to contact the Admissions Managers

Linda Bubb – Pupil Admissions Manager for areas North and Mid.
Natalie Bailey – Pupil Admissions Manager for areas South and West.

Appendix 1

Admission refusals under 3.10

Common Terms of Reference

Agreed criteria for refusal under 3.10

The following are a suggestion for the common guidance criteria that schools could adopt across the county to reject admission requests under 3.10. It is for the rejecting school to evidence their reason for the refusal using one or more of the following criteria

Despite intervention and support there has been:

- Repeated internal exclusions/isolations (or equivalent) during their last term in school/the last term, and/or
- Repeated external suspensions during their last term in school/the last term, and/or
- Established and frequent pattern/log (stretching over the last term when they have been in school or more) of challenging behaviour
- There is a further specific reason relating to behaviour that indicates they are likely to create a risk in school (and/or prejudice the education of others). This may/may not be linked to an evidenced community-based concern, and/or
- There is a demonstrable and disproportionate need within the requested year group of admission. Examples of “need” are likely to be multi-stranded and could be indicate by the requested year group of admission having:
 - *Significantly higher rates of internal exclusions/isolations/suspensions vs other year groups in your school*
 - *In the specific year group, high numbers of more complex need (not necessarily behaviour) students who are drawing significant resources/requiring sustained intervention (e.g. on SEND register EHCP/K) vs other year groups*

(nb. attendance is not and would not be a factor used to reject admission under 3.10)