

THE WEST SUSSEX AGREED PROTOCOL FOR ALL IN-YEAR PUPIL ADMISSIONS 2026/2027

An In-Year application is an application for a place at a school during the academic year or for entry to a year group which is outside the normal admission rounds.

1.0 Objective

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

2.0 School Admissions Code

2.1 The School Admissions Code 2021 (SAC 2021) requires the following:

- The Local Authority **must** publish how In-Year applications from 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 (OAAs) **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 provide an application form for applicants to complete when applying for any school.
- All maintained schools, and academies, including schools designated with a religious character, that have places available must offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria, unless admitting the child would prejudice the efficient provision of education or use of resources (2.28 SAC 2021) (see 3.10/3.11)
- The SAC 2021 (3.9) 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).
- 3.12 of the SAC 2021 states "the provision in paragraph 3.10 cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education Health and Care Plans naming the school in question".

3.0 In Year Application Process

- 3.1 The Local Authority receives In-Year applications and coordinates admissions for Community and Voluntary Controlled schools, and Own Admission Authority (OAA) schools where they have requested to be part of the Local Authorities In-Year coordinated scheme. OAA must let the LA know by 1 August that they intend to be part of the LA In-Year coordinated scheme.
- 3.2 West Sussex County Council (WSCC) strongly believe that Local Authority coordination contributes to the safeguarding of children.
- 3.3 WSCC provides an online form for applicants and encourages applicants to name up to **three** preferences on their application. A Word version of the application form is also available on the website. Applicants who are unable to access the online form can request a paper form by telephoning 03330 142 903.
- 3.4 All applications received by the Pupil Admission Team for schools who manage 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.
- 3.5 In-Year applications are processed in strict order of the date they are received.
- 3.6 On receipt of the completed In-Year application form, 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 Looked After Child (LAC), or has an Education, Health and Care Plan (EHCP).
- 3.7 The Local Authority will send the application to the 1st preferred school. If an offer of a place is not made by the 1st preferred school, the Local Authority will then send the application to the 2nd preferred school and if necessary, the same process will operate for the 3rd preferred school. The Local Authority request that all schools respond to applications within 3 school days to support the Local Authority in responding to parents with an outcome to their application within 10 school days as an outcome **must** be communicated to parents within 15 school days.
- 3.8 For schools where WSCC coordinate In-Year applications, only the Pupil Admissions Team will issue the outcome letter to an applicant and schools should not indicate the outcome to the applicant until the letter has been sent. The letter will advise the applicant of their right of appeal if unable to offer a place at a higher preference school.
- 3.9 Parents who are not offered a place at one of their preferred schools are allocated a place at their catchment school (if applicable) where possible, or the next nearest alternative school with space.
- 3.10 If the school has a space, 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, the requirement to comply with a preference is removed for a period of two years following the latest permanent exclusion; or
- 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 (SENAT)).

3.11 In exceptional circumstances an Admission Authority may refuse an application under 3.10 of the SAC 2021 where an Admission Authority 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.*

NB: under 3.11 of the SAC 2021 an Admission Authority may only rely on the provision in 3.10 (SAC 2021) if it has a particularly high proportion of either, children with challenging behaviour or, previously permanently excluded pupils on roll compared to other schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient provision of education or the efficient use of resources.

See (appendix 1)

3.12 The SAC 2021 (3.9) 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). 3.12 of the SAC 2021 states 'the provision in paragraph 3.10 (SAC 2021) cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education Health and Care Plans naming the school in question'.

3.13 Applicants are advised that their child should start at the offered school within 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.

3.14 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. For schools where WSCC coordinate In Year Admissions, 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.

- 3.15 Children can only be placed on waiting lists for higher preference schools for which they have applied and been refused in writing. Where WSCC coordinate waiting lists they 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 SAC 2021, they will not go on the waiting list.
- 3.16 The Pupil Admissions Team will confirm to the school once a waiting list offer has been made.
- 3.17 Schools who are part of the Local Authority In-Year Coordination Scheme 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.
- 3.18 Waiting lists will be cleared at the end of each academic year. Parents must make a new In-Year application for the following September if they wish their child to be considered for a place and have the opportunity to go on a waiting list for the following academic year. These applications can be made on or after 20 May and will be considered from 1 June.
- 3.19 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.
- 3.20 In-Year applications that are received for a September entry will be accepted from 20 May and will be processed as if received on 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.
- 3.21 The reason that we do not process In-Year applications for September before the 1 June is to ensure that parents wishing to take up places immediately have priority up until the 1 June. From 2nd of June all applications are processed in date order.

4.0 The Fair Access Protocol (Please refer to the Local Authority's Fair Access Protocol)

- 4.1 If the child is unplaced and vulnerable and meets the Fair Access Protocol (FAP) criteria, or is having difficulty in securing a school place, then the application will be sent to Fair Access. (For placed children, Fair Access and Admissions to agree to take to Fair Access)
- 4.2 In exceptional circumstances schools may refuse under 3.10 and 3.11 of the SAC 2021 (defined in 3.11 of this document), any of these cases will be dealt

with by the Admissions Manager who may seek clarification from the school and ensure the agreed criteria for 3.10 **and** 3.11 refusals has been met (see appendix 1).

- 4.3 It is expected that most applications will not need to go to Fair Access and that schools will admit at the time of being sent the application.

5.0 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 of 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 West Sussex.

6.0 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. The provision in 3.10 **must not** be used to remove admission for Looked After Children or Previously Looked After Children.

7.0 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.
- 7.3 No applicant should be required to disclose the details of the child when making a general enquiry regarding spaces.
- 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, the child should be on roll within 10 school days.

8.0 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. If an application is received by an OAA who manage their In-Year applications 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.

9.0 On Roll and Removal from Roll forms and Safeguarding

9.1 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.

9.2 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/ukxi/2006/1751/regulation/8/made>

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

pei@westsussex.gov.uk

Advice Line 033022 28200

10.0 Contact Details:

For any further information on school admissions please contact the Admissions Managers

Caroline Lawrence: Team Manager; Pupil Admissions for areas North and Mid.

Sarah Bideleux: Team Manager; Pupil Admissions for areas South and West.

Appendix 1

Admission refusals under 3.10 and 3.11 SAC 2021

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

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

3.11 An admission authority should only rely on the provision in paragraph 3.10 if it has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources*.

*This could include where 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 indicated 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 students who are drawing significant resources/requiring sustained intervention (e.g. on SEND register EHCP/K) vs other year groups*