

DAG Busy Clerk's Guide to School Admissions and Schools Admissions Appeals

School admissions is a complex subject and requires an understanding of how the category of school determines the work of the board.

1. School Admissions Code: The purpose of the [Code](#) is to ensure that all school places for maintained schools (excluding maintained special schools) and Academies are allocated and offered in an open and fair way. The Code has the force of law and where the words 'must' or 'must not' are used, these represent a mandatory requirement. All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by admission authorities. Admission arrangements apply to the transfer of pupils from EYFS and from primary to secondary and from infant to junior schools. They also apply to in year applications.

2. Admissions Authority: It is the responsibility of admission authorities to ensure that admission arrangements are compliant with this Code and appropriate legislation. Who is the admissions authority? It could be the Local Authority, or it could be the school or the academy trust. Where a school is the admissions authority, this responsibility falls to the governing board and to the academy trust board if the school is an academy.

3. Maintained community schools: The admissions authority for these schools is the Local Authority. The Local Authority is also responsible for arranging/providing for an appeal against refusal of a place at a school.

4. Academies: The academy trust is the admissions authority for academies and is responsible for arranging/providing an appeal against refusal of a place at a school.

5. Foundation Schools (including co-operative maintained schools): The governing board is the admissions authority for these schools and is responsible for arranging/providing for an appeal against refusal of a place at a school.

6. Voluntary Controlled Schools (VC): The Local Authority is the admissions authority for these schools and is responsible for arranging/providing for an appeal against refusal of a place at a school.

7. Voluntary Aided Schools (VA): The governing board is the admissions authority for these schools and is responsible for arranging/providing for an appeal against refusal of a place at a school.

Note: Grammar schools can be either local authority community schools or academies, so could be their own admissions authority. As they have an entrance exam/interview process, they must dovetail their dates to meet the Department for Education statutory closing dates for each step in the admissions process.

8. Admission arrangements: Admission authorities must set ('determine') admission arrangements annually. Where any changes are proposed to admission arrangements except increases to the Published Admission Number (PAN), the admission authority must first publicly consult on those arrangements.

9. Admissions consultation: The admission authority must run a consultation on their proposed admissions policy each year unless there are no changes proposed other than an increase in PAN. There must be a consultation at least every 7 years. The consultation must be for a minimum of 6 weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply. For example: for arrangements which are to apply to applications in 2022 (entry in September 2023), consultation must be completed by 31 January 2022. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements. For church schools the consultation must be prior to any LA and public consultation. Church schools must have regard for Diocesan guidance when proposing any changes to admission arrangements.

10 Applications: For own admission authority schools and academies it is their responsibility to respond to applications, either by ranking their applications sent to them by the LA against their published oversubscription criteria or, for in year applications, by telling the LA whether a place can be offered (and, if not, why not). There is a published date for normal round ranking to be returned although in most cases, this task is actually done by the LA on the school's behalf). For in-year applications in the LA's co-ordinated scheme, decisions should be returned in 5 school days. To do this, schools should have a process for governors to meet quickly. These meetings are required where the decision may be to refuse admission or to allow where the decision might have been to refuse. For community and VC schools, the same timescales and arrangements apply except that the final decision rests with the LA although it will take the school's views into consideration. Clerks should note that no one person in school can lawfully refuse admission, including the headteacher or chair.

10. Here in Devon: The admission authorities of foundation and voluntary aided schools and academies may ask another body, e.g. the local authority, to carry out some or all of their admissions functions on their behalf. However, the admission authority remains responsible for ensuring those functions are carried out properly.

Here in Devon, the Local Authority will collate and publish all the admission arrangements in its area in a single composite prospectus and will deal with parents/carers to coordinate admission applications at the normal round of

admissions, for in-year admissions and provide an appeals service. All policies are published by the LA. For the Local Authority to achieve this effectively, schools will need to consider the admissions procedures annual timeline and provide information at certain points in the year. The admission service that maintained schools receive to meet the admissions code is available as a traded service for all schools and academies. This includes support with drafting policy, consulting on it, day to day support with their implementation and holding appeals.

11. Annual timeline:

All schools are requested to review their entry in the [Local Authority Admissions Directory](#) and advise on any amendments that are required – headteacher names, contact details, establishment status, oversubscription criteria, Published Admission Numbers (PAN) and Numbers on Roll (NOR). Information will be amended and updated as necessary throughout the academic year.

September: The Local Authority will send a link to draft policy documents for all schools that are their own admissions authority and to traded service academies for approval. If a clerk in an own admissions authority school has not been made aware of the new draft policy, then it may be that the school has forgotten to forward it to the clerk. Own admissions governing boards and academy trusts should have a meeting scheduled to consider these or their own drafts and whether any changes are to be proposed. The LA drafts are not mandatory. Schools are very much encouraged to use them but are free to consider other changes and seek advice on whether changes would be lawful and fair.

October: Voluntary aided (VA) and church academies must forward their proposed policies to the relevant Diocese for comment as early as possible in October.

November: Those schools wishing to take part in the LA-hosted consultation should confirm their proposed policies with the LA Policy Officer by 1 November. The LA will then publish the draft policies for consultation from November to the first week in January. Own admissions authority schools must publish their draft policies on their school websites and on academy trust websites for consultation (the draft policy provided by the LA to own admission authority schools will confirm the exact date for the consultation to start and end on individual school websites).

January: The LA-hosted consultation will end. Any consultations held by own authority schools on their school websites will end.

February: The policy must be ‘determined’ by the admissions authority for each school by the 28th February. A governing board or academy trust meeting must be scheduled in all cases for schools and academies that are their own admissions authority to agree and ‘determine’ the admissions policy. The Devon County Council Cabinet will determine arrangements for community and voluntary controlled schools. There must be a determined policy each academic year even if the only differences are where dates have been rolled over from the previous year.

March: Own admissions authority schools must send a copy of their determined admission arrangements to the LA and to the Diocese where appropriate and publish

on their school websites by 15 March. The LA will then include the school admissions policy for all own admissions authority schools in the single composite prospectus on the LA website.

May: there is a statutory deadline by which formal objections against a policy can be made to the Office of the Schools' Adjudicator.

12. Website: For own admissions authority schools and academies there may be three policies published on the website at one time, covering the current school year, the next school year and the one after under consultation. Own admission authority schools must also publish a timetable for organising and hearing admission appeals for their school (this is included in the LA-drafted admissions policy). Schools could signpost to copies published on the local authority admissions page on the Devon County Council website.

13. Right to appeal: When an admission authority informs a parent of a decision to refuse their child a place at a school for which they have applied, it must include the reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal (timings for appeals will usually be stated in the admissions policy). Parents must be informed that, if they wish to appeal, they must set out their grounds for appeal in writing. Admission authorities must not limit the grounds on which appeals can be made. An appeals service is available for all Devon state-funded schools before the Devon Independent School Admissions Appeal Panel. Appeal papers are normally sent with the refusal letter or requested direct from the LA.

14. School Admission Appeals Code: The purpose of this [Code](#) is to ensure the independence of admission appeal panels and to ensure that all admission appeals for maintained schools and academies are conducted in a fair and transparent way. This Code has the force of law. Where it imposes mandatory requirements, or refers to requirements in legislation, the words 'must' or 'must not' are used.

15. Changes to the admissions appeal code during the coronavirus outbreak: The temporary [guidance](#) is non-statutory and explains the temporary changes to the School Admission Appeal Regulations 2012 and provides guidance for managing appeals during the coronavirus (COVID-19) outbreak. The guidance finished on 30 September 2022.

16. Advice for clerks and appeal panels on school admission appeals: This [guidance](#) provides information to support clerks and panels to conduct their roles effectively and in accordance with the [School Admission Appeals Code](#) to ensure that appeal hearings are conducted in a fair, transparent and consistent manner.

Further information from: Devon School Admissions Service admissions@devon.gov.uk. For advice or queries on policy: schoolsadmissionpolicy-mailbox@devon.gov.uk. Further information is also available from the Exeter, Salisbury and Plymouth Dioceses.