



# KINGSDOWN SCHOOL

## In Year Admissions 2025/26

<b>Approved by:</b>	Admissions Committee	<b>Date:</b> 31st January 2024
<b>Last reviewed on:</b>	January 2024	
<b>Next review due by:</b>	January 2025	

## **1. Admissions Procedures**

The Governors will admit pupils at the age of eleven without reference to ability or aptitude. The Planned Admission Number (PAN) for each year group will be 232, the statutory minimum.

Kingsdown School's Governing Body operates within a coordinated scheme which is set by Swindon Local Authority. All applicants must submit a common application form to the Local Authority in order for an application to be lodged.

## **2. Legal Framework**

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- Human Rights Act 1998
- School Standards and Framework Act 1998
- DfE (2021) 'School Admissions Code'
- DfE (2022) 'School Admission Appeals Code'

## **3. Oversubscription**

Where applications exceed the number of places available, the following criteria will be applied in the order set out below to determine who will be admitted. The criteria will continue to be used to allocate places that become available for in-year admissions after September 2025.

As required by law, a child with a Statement of Special Educational Needs will be admitted where the LA have supported the naming of Kingsdown School in a transfer Statement.

1. Children in the care of a local authority or with accommodation provided by that authority as defined by Section 22 of the Children Act 1989.
2. Children with a sibling (half, step or adoptive brother or sister living in the same family unit) who will be attending Kingsdown School at the time of their admission.
3. Children that live within Kingsdown School's designated area.
4. Children that do not live within Kingsdown School's designated area.
5. Children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted to be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). This advice refers to these children as internationally adopted previously looked after children – "IAPLAC".

## **4. Decider**

Within each of the individual criteria, priority will be given to those who live nearest to Kingsdown School. Distance will be determined from the applicants home address to the school as a straight line between the Local Land and Property Gazetteer (LLPG) address point of the applicants home address and of the school, with those living closest to the school receiving higher priority.

In the case of multiple births, Kingsdown will admit all siblings.

## **5. Waiting Lists**

The applications of those children not offered a place, will be retained on a waiting list and considered against the criteria should a vacancy arise in the future. Appealing against a decision does not affect statutory rights relating to waiting lists. The waiting list will be updated annually at 1<sup>st</sup> September when confirmation is sought from parents and guardians.



## 6. Designated Areas

A map of the designated area is available for inspection at Kingsdown School.

## 7. Home Address

The address given on the application form must be the address where the child resides for most of the week with his/her parent/carer. Where there is a joint address, the address where the child tax credit is paid will be used. Evidence may be required for this.

## 8. Fair Access Protocol

Kingsdown School recognises the LA's Fair Access Protocols and will accept its 'fair' number of 'hard to place' children.

## 9. Appeals

In circumstances where a school place is refused, parents, and in some circumstances their children, will have the right to appeal against an LA's decision to refuse admission.

Where this is the case, the LA will establish an independent appeals panel to hear the appeal. The appeal panel will perform its judicial function in a transparent, accessible, independent and impartial manner, and operate according to principles of natural justice.

The LA and appeal panel will ensure that it acts in accordance with this Code, the School Admissions (Appeal Arrangements) (England) Regulations 2012, the School Admissions Code, other law relating to admissions, and relevant human rights and equalities legislation, for example, the Equality Act 2010.

The procedures outlined within this section will apply to all appeals lodged on or after 1st October 2024. Appeals lodged on or before 30th September 2024 will be heard in accordance with the 'School Admissions Appeals Code' 2012 and the School Admissions (Appeals Arrangements) (England) Regulations 2012, as amended.

The governing board will be aware of and, where relevant, assist the LA with the admissions appeals procedure.

### Timetable

The LA will set a timetable for organising and hearing appeals that:

- Includes a deadline for lodging appeals which allows appellants at least **20 school days** from the date of notification that their application was unsuccessful to prepare and lodge their written appeal.
- Ensures that appellants receive at least 10 school days' notice of their appeal hearing.
- Includes reasonable deadlines for appellants to submit additional evidence, for admission authorities to submit their evidence, and for the clerk to send appeal papers to the panel and parties.
- Ensures that decision letters are sent within **5 school days** of the hearing wherever possible.

The LA will publish the appeals timetable on their website by **28 February each year**.

The LA will ensure that appeals lodged by the appropriate deadlines are heard within the following timescales:

For applications made in the normal admissions round, appeals will be heard within **40 school days** of the deadline for lodging appeals.

For late applications, appeals will be heard within **40 school days** from the deadline for lodging appeals where possible, or within **30 school days** of the appeal being lodged.

For applications for in-year admissions, appeals will be heard within 30 school days of the appeal being lodged.

Any appeals submitted after the appropriate deadline will still be heard, in accordance with the timescales set out in the table published by the LA.

### **Notifying appellants of the right to appeal and the appeal hearing**

When informing a parent of their unsuccessful admissions application, the LA will send written notification of their decision. This will include:

- The reason why admission was refused.
- Information about the right to appeal.
- The deadline for lodging an appeal.
- Contact details for making an appeal.

Parents will be informed in the letter that, if they wish to appeal, they must make the appeal in writing. The LA will not limit the grounds on which an appeal can be made.

The LA will provide appellants with written notification of the date and all final arrangements of the appeal hearing no later than **10 school days** before the hearing. This notification will include the deadline for the submission of any further evidence that was not sent in the original appeal.

The LA will comply with any reasonable request for information from parents to help them prepare their case for the appeals hearing.

The LA will ask appellants whether they intend to call any witnesses or be represented at the hearing and inform them that they may waive their right to **10 school days'** notice of the hearing if they so wish.

---

### **Constitution of appeals panels**

The LA will appoint a clerk to the appeal panel who is independent of the school and the education functions of the LA. The clerk will have sufficient knowledge of the 'School Admission Appeals Code', the 'School Admissions Code', other law relating to admissions and other relevant law, as well as being able to offer advice to enable the panel to undertake its judicial function.

The appeals panel will comprise of a chair and at least **two** other panel members.

The panel will also include at least one lay person **and** one or more people with experience in education.

- In accordance with 'The School Admissions (Appeal Arrangements) (England) Regulations 2012, the clerk to the panel will ensure that no disqualified person is allowed membership of the panel. A person will be disqualified if they are:
- A member of the LA which is the admission authority or LA in whose area the school is located.
- A member or former member of the governing board of the school.
- An employee at the LA or governing board of the school, other than a teacher or TA.
- Any person who has, or at any time has had, any connection with the LA, school or LA who may not act impartially.
- Any person who has not attended training required by the LA arranging the appeals panel.



The LA will ensure that panel members and clerks will not take part in hearings until they have received appropriate training as outlined within the School Admissions Appeals Code'.

The LA will ensure that panel members are independent from the school and will remain independent for the duration of their service.

The chair of the appeals panel is responsible for the conduct of the hearing, including introducing parties, explaining the roles of the clerk and the panel and how the hearing will be conducted, and ensuring that parties have sufficient opportunity to state their case and ask questions.

The LA will indemnify the members of the appeals panel against any legal costs and expenses they incur in connection with any decision taken in good faith whilst acting as a member of the appeals panel.

Members of the appeals panel will be eligible to receive travel and subsistence allowances where applicable, and will, where appropriate, be compensated for any loss of earnings or expenses.

### **Evidence**

All evidence relating to the appeal hearing will be passed on to the clerk. This evidence will include details of:

- How the admission arrangements and the co-ordinated admissions scheme apply to the appellant's application.
- Reasons for the decision to refuse admission.
- How the admission would cause prejudice to the education provision of the school.

The clerk will send all the papers required for the hearing to both parties and the members of the panel **seven** days before the hearing.

### **Attendance and representation**

It will be the LA's responsibility to make arrangements for appeal hearings. Appeal hearings may be held in person, remotely by video conference or a mixture of the two (a hybrid hearing).

Appeal hearings held entirely by telephone will only be permitted where video conferencing cannot be used relating to connectivity or accessibility and if the appellant and presenting officer both agree.

Regardless of the forum chosen, appeal panels will allow appellants the opportunity to make oral representations.

The LA will provide a presenting officer to attend the hearing and present the LA's case to the panel, ensuring that this person is a member of staff who is well acquainted with the school.

The presenting officer will be responsible for relaying to the attendees the decision not to admit the child, and answer questions where necessary, either in person or remotely

Appellants may attend in person or be represented by another individual. Where appellants cannot attend, a decision will be made based on the written evidence.

### **Appeals hearings**

Where appeal hearings are held in person, the LA will take all reasonable steps to ensure the venue is appropriate, accessible to appellants, and has a suitable area for appellants and presenting officers to wait separately from the panel before and between appeals.

Appeal hearings that are held remotely will be held in such a way that means the appeal is capable of being heard fairly and transparently. Attending parties will be able to present their cases fully and the LA will be satisfied that each participant has access to facilities that allow them to engage in the hearing at all times.

Where a hybrid hearing is to take place, the arrangements above will be complied with as appropriate.

Hearings, whether conducted in-person or remotely, will be held in private.

The order of appeal hearings will be as below:

- Case for the LA.
- Questioning by the appellant(s) and panel.
- Case for the appellant(s).
- Questioning by the LA and panel.
- Summing up by the LA.
- Summing up by the appellant(s).

### **Reaching a decision**

When reaching a decision, the LA will follow the specific two stage process outlined in section three of the 'School Admission Appeals Code'.

Decisions will be decided by a simple majority of votes cast. If votes are split equally, the chair will make the casting vote. The panel will either uphold or dismiss an appeal and will not uphold an appeal subject to any specified conditions.

To communicate the decision made, the panel will send a letter to the appellant, signed by the clerk or chair of the appeals panel, no later than **five school days** after the decision has been made.

The decision letter will contain clear reasons for the panel's decision and a summary of the relevant factors raised by the parties and considered during the hearing. In the case of applications outside the normal admissions round, the LA will ensure that the pupil is admitted to the school without unnecessary delay.

Appeals by the parent of a child with an EHC plan against the choice of school named in the EHC plan will be considered by the First-tier Tribunal (SEND) and not the appeals panel.

In cases where there are multiple appeals, the LA will ensure that, where possible, all appeals are heard by the same appeals panel with the same members, and that no decisions are made until all the appeals have been heard.

In all hearings the clerk to the panel will ensure that an accurate record is taken of the points raised at the hearing, including the proceedings, attendance, voting and reasons for decisions. These notes will be kept securely by the LA for a minimum of two years and are, in most cases, exempt from disclosure under the Freedom of Information Act 2000 and the Data Protection Act 2018.

### **Further appeals and complaints**

Appellants will not have the right to more than one appeal in respect of the same school for the same academic year unless, in exceptional circumstances, the LA has accepted a second application from the appellant due to a material change in the circumstances of the parent, child or school but still refused admission. Appellants can apply for a place at the school for a different academic year.

Appellants may complain about maladministration on the part of an appeal panel to the Local Government and Social Care Ombudsmen. The LA will inform parents about the arrangements for making a complaint.

Signed

E Leigh-Bennett  
Headteacher

Date: 31st January 2024

Signed

L Scragg  
Chair of Governors

Date: 31st January 2024

