



Admission policy for community and voluntary controlled infant and primary schools for 2022/23 academic year

Children to be admitted

The law does not require any child to receive a suitable education until the start of the term following the fifth birthday. In Blackburn with Darwen we operate a single start date of September for all children who will become 5 during that school year. All children who have their fifth birthday between September 1, 2022 and August 31, 2023 may start school in the Autumn Term 2022.

Deferred admission

Parents may wish to consider delaying their child's admission until the term after their fifth birthday. This is called deferred admission. Further information about deferred admission is included in the Council's admissions booklet for parents and can be found at www.blackburn.gov.uk/admissions.

Admission Arrangements for infant and primary community and voluntary controlled schools for 2022/23 academic year

All preferences expressed will be considered equally. If the number of children requiring admission does not exceed the school's published admission number, all the children will be offered admission. If the number of children requiring admission exceeds the published admission number, then the Local Authority will consider all preferences equally against the oversubscription criteria shown below.

Admission Criteria for Oversubscribed Schools

Children with an Education, Health and Care plan (EHCP), for whom the preferred school is named in the plan will be admitted first. The remaining applicants who have named this school as a 1st, 2nd or 3rd preference will then be considered equally against the Council's admission policy, in the priority order given below:

- a) A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements or special guardianship order, including those who appear to this admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.

'A looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. An *'adoption order'* is an order under the Adoption Act 1976 (see Section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see Section 46 adoption orders). A *'child arrangements order'* is an order settling the arrangements to be made as to the

person with whom the child is to live under Section 8 of the Children Act 1989 as amended by Section 14 of the Children and Families Act 2014. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians). A child is regarded as *having been in state care outside of England* if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

- b) Children with an older sibling (sibling means a brother or sister, half brother or sister, adopted brother or sister, step brother or sister, not cousins, or the child of the parent/carer's partner, and in every case, the child should be living in the same family unit at the same address) who will still be attending the preferred school when the younger child is admitted;
- c) Children with proven exceptional medical, social or welfare needs which are directly relevant to the school concerned. If you wish to be considered under this category you must provide appropriate supporting evidence with your application from a doctor, social worker or other professional. This evidence must explain why the preferred school is the most suitable and what difficulties would be caused if the child had to attend another school;
- d) Geographical proximity - under this category, the remaining places will be offered to children who live nearest to the preferred school. The distance will be measured in a straight line between the home front door and the main gate of the school using a computerised programme.

Tie-breaker

If category (b), (c) or (d) is oversubscribed, geographical proximity (as set out in category (d)) will be used as the 'tie-breaker' to decide between the remaining cases. If after measuring distances it is still not possible to decide on the child/ren to be offered admission (for example two children living in the same block of flats or in the same house) the Local Authority will then use a random draw allocation (which is carried out automatically by the local authority's computerised system) to decide which of the children can be offered a place.

Priority for Twins/Multiple births

Where there are twins, etc wanting admission and there is only a single place left within the admission number, the Local Authority will exercise as much flexibility as possible within the requirements of infant class sizes. In exceptional circumstances admission authorities are able to offer places to children of multiple births, even when this means breaching infant class size limits. This may also apply to siblings who are in the same year group.

NOTE – Criterion (c) medical, social, welfare reasons

If you feel that there are exceptional medical/social/welfare needs relating to your child which support the need for your child to attend a particular school, and wish your application to be considered under criterion (c) you must state this on your application form AND provide appropriate written supporting evidence for your application from a doctor, social worker or other professional. This evidence must explain why the preferred school is the most suitable and what difficulties would be caused if the child had to attend another school.

This evidence should accompany the application form. If necessary, parents can submit the application form and send the supporting evidence at a later date but the supporting evidence MUST be received by the Local Authority on or before the closing date for applications. It is the parent's responsibility to ensure that the Local Authority receives the supporting evidence.

If you do not provide the supporting evidence on or before the closing date, then it will not be possible to consider your application under the medical/social/welfare criterion.

Please bear in mind the following points in relation to this criterion:

- 1) Only exceptional reasons associated with the child and directly relevant to the suitability of that specific school (i.e. showing why the child needs to be admitted to that particular school) are normally accepted under this criterion.
- 2) All schools can make provision for special educational needs and can also manage common conditions – e.g. asthma, diabetes, epilepsy.

After the closing date, during the early stages of the allocations process, all applications which have requested consideration on the grounds of medical/social/welfare need are considered separately by a panel from the Admission Authority. This involves considering all statements and evidence provided by parents/carers to support the application. The panel may, at their own discretion, contact parents/carers and third parties (with parental consent) to request further information where this is needed to reach a decision.

The Panel's focus in assessing each claim for consideration under this criterion will be to assess whether the evidence provided (a) actually confirms that this child has an exceptional medical/social/welfare need AND (b) demonstrates a clear and exceptional need for this child to attend that specific school for reasons arising from the exceptional medical/social/welfare need.

Where the reasons claimed are not considered exceptional or do not disclose an exceptional need for the child to attend that specific school, then the application will be dealt with under the other admission criteria for the school(s) requested.

Late applications for admission

Where there are extenuating circumstances for an application being received after the closing date for applications, and it is before the cut-off date (11 March 2022) then it will be considered alongside all the others.

Otherwise, applications which are received after the closing date will be considered after all the others, and placed on the waiting list in order according to the admission criteria.

Address of pupil

The address used on the common application form must be the current one at the time of application, i.e. the family's main residence. If the address changes subsequently, the parents should notify the school. Where the parents live at different addresses, and there is shared parenting, the address used will normally be the one where the child wakes up for the majority of Monday to Friday mornings. If there is any doubt about this, then the address of the Child Benefit recipient will be used.

Parents may be asked to show evidence of the claim that is being made for the address, e.g. identity cards of various sorts showing the child's address as the one claimed. Where there is dispute about the correct address to use, the Local Authority reserve the right to make enquiries of any relevant third parties, e.g. the child's G.P. Council Tax Office, Electoral Registration Officer, utilities provider. For children of UK Service personnel and other Crown Servants returning to the area proof of the posting is all that is required.

Where more than one person with Parental Responsibility for the child submits an application for the same child, then neither application will be considered and the parents/carers will be asked to agree a single application. The local authority will require the parents to resolve matters between themselves, taking legal advice if necessary and inform the local authority which application should be processed. PLEASE NOTE - if agreement is not reached or a legal decision is not made before the closing date, this may affect the chances of your child being allocated a place at the preferred school(s).

Non Routine Admissions

In Year admissions

It sometimes happens that a child needs to change school other than at the “normal” time; such admissions are known as in-year admissions. Parents need to submit an “In Year Application Form” to the Fair Access Team. If there is a place in the appropriate school, your child will normally be admitted. If there is no place, the place will be refused but information will be provided about how to appeal against this refusal.

Admission of children outside their normal age group

Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health.

Children who are already of school age

Parent(s)/carer(s) must submit their written request for admission out of the normal age group to the Local Authority. If their request is agreed and a place is available in the requested year group, the child will be admitted.

Please note: The Local Authority will not honour a decision made by another admission authority on admission out of the normal age group. Parent(s)/carer(s), therefore, should consider whether to request admission out of the normal year group at all of their preferred schools, rather than just their first preference school.

The Local Authority will make a decision on the request before the offer date if at all possible.

If the request is agreed, the parent(s)/carer(s) must make a new application for the next main admission round the following year, and their current application for the normal age group should be withdrawn before a place is offered.

If their request for admission outside the normal age group is refused, parent(s)/carer(s) must decide whether to accept the offer of a place for the normal age group that they receive from the Local Authority, or to refuse it and make an in-year application to the Local Authority for admission to year one for the September following their child's fifth birthday.

Making the decision

Parent(s)/carer(s) seeking admission of their child outside their normal age group must send their written request to the Local Authority. It is the responsibility of the parent(s)/carer(s) to provide the Local Authority with all relevant information relating to this request, including the parent(s)/carer(s) views; information about the child's academic, social and emotional development; medical history and views of a medical professional (where relevant); whether the child would naturally have fallen into a lower age group if it were not for being born prematurely; and whether the child has previously been educated out of their normal age group.

The Local Authority is required to take into account the views of the Head Teacher on the application as well as the information from the parent(s)/carer(s). The Local Authority will make their decision on the basis of the circumstances of each individual case, and in the best interests of the child concerned.

The Local Authority will then inform the parent/carer of their decision on the year group the child should be admitted to and will provide the reasons for their decision.

Parent(s)/carer(s) have a statutory right to appeal to an independent admission appeal panel against the refusal of a place at a school for which they have applied. As the purpose of the appeals process is to

consider whether a child should be admitted to a particular school, the right of appeal does not apply if they are offered a place at the school but it is not in their preferred year group. However, they may make a complaint about an admission authority's decision not to admit their child outside their normal age group.

Appeals

Where the Local Authority is unable to offer a place because the school is oversubscribed, parents have the right to appeal to an independent admission appeal panel, set up under the School Standards and Framework Act, 1998, as amended by the Education Act, 2002. Parents should complete and return the appeal form to the Local Authority by 24 May 2022. Parents will have the opportunity to submit their case to the panel in writing and also to attend in order to present their case. Parents normally receive 14 days' notice of the place and time of the hearing.

Appeals which are received after the deadline will be slotted into the schedule where this is possible. There is no guarantee that this will happen and late appeals may be heard after the stipulated date at a second round of hearings. The schedule is subject to change depending upon the availability of appeal panel members, clerks, venues and the number of appeals for each school (which will vary year on year).

If your family is moving house, your application and appeal will be considered as being made from your old address until you provide suitable evidence of a permanent change of address, e.g. exchange of contracts on your house purchase or the signed tenancy agreement and rent book for your new address.

Please note that you cannot re-appeal for a place at a school within the same school year unless there has been relevant, significant and material change in the family circumstances.

This right of appeal against the Local Authority's decision does not prevent you from making an appeal in respect of any other school.

Fraudulent applications

Where the Local Authority discovers that a child has been awarded a place as the result of an intentionally misleading application from a parent, for example, a false claim of residence which effectively denies a place to a child with a stronger claim, then the Local Authority may withdraw the offer of the place. The application will be considered afresh and a right of appeal offered if a place is refused.

Waiting list

Where a school has more applications than places, the admissions' criteria will be used. Children who are not admitted will have their name placed on a waiting list. The names on this waiting list will be in the order resulting from the application of the admissions criteria. Since the date of application cannot be a criterion for the order of names on the waiting list, late applicants for the school will be slotted into the order according to the extent to which they meet the criteria. Thus it is possible that a child who moves into the area later may have a higher priority than one who has been on the waiting list for some time. If a place becomes available within the admission number, the child whose name is at the top of the list at that time will be offered a place. This is not dependent on whether an appeal has been submitted. Please note that looked after children, previously looked after children and those allocated a place at the school in accordance with the Fair Access protocol must take precedence over those on the waiting list.

This waiting list will operate until 31 December 2022.