

CITY OF DERBY ACADEMY

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Admissions Policy 2027/28

PROCEDURE FOR ADMITTING PUPILS TO THE CITY OF DERBY ACADEMY

The City of Derby Academy provides for the needs of children within the 11 to 16 age range who live in Sinfen and the surrounding area.

Pupils will be admitted from our normal area and from our partner primary schools, at the age of 11+ without reference to ability or aptitude using the criteria set out in this policy. Admission to our Academy is not dependent on any 'voluntary' contribution.

QEGSMAT is the Admissions Authority for the City of Derby Academy.

The Academy participates in the Local Authority co-ordinated scheme and all deadlines within that should be adhered to by applicants.

ADMISSION NUMBER FOR SECONDARY PROVISION (AGE 11)

1. The Academy has the following agreed admission number for Year 7: **210**

The Academy will accordingly admit a maximum of 210 pupils in the relevant age group each year if sufficient applications are received.

PROCESS OF APPLICATION

2. Arrangements for applications for normal point of entry places at the Academy will be made in accordance with the LA's co-ordinated admission arrangements. Parents resident in Derby can apply online at:

<http://www.derby.gov.uk/education-and-learning/schools-and-colleges/>

Parents resident in other areas must apply through their home Local Authority.

3. The Academy will use the LA's timetable for applications to the Academy each year (exact dates within the months may vary from year to year):
 - a) In September – the Academy will publish in its prospectus information about the arrangements for admission, including over-subscription criteria, for the following September.
 - b) September/October – the City of Derby Academy will provide opportunities for parents to visit the Academy.
 - c) By midday on 31 October – Parents complete the common application form (CAF) and return it to the LA to administer.
 - d) 1 March – notification of offers made to parents.

CONSIDERATION OF APPLICATIONS

4. The City of Derby Academy will consider all applications for places. Where fewer than the published admission number(s) for the relevant year groups are received, the Academy will offer places at the Academy to all those who have applied.

PROCEDURES WHERE THE ACADEMY IS OVERSUBSCRIBED

5. As the admission authority, the Governors of the Academy give priority for places to children whose parents have requested a place, using the common application form and submitted to the Local Authority by 31st October. 210 places are available for entry to Year 7 in September 2027.
6. Where the number of applications for admission is greater than the published admission number in any age group, applications will be considered and prioritised against the criteria set out below:
 - a) Children with an EHCP that names the City of Derby Academy.
 - b) Children who are Looked After (LAC) / previously Looked After (PLAC)*.
 - c) 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 (IAPLAC)**.
 - d) Children permanently residing in the normal catchment area at the time of application.
 - e) Children who have siblings*** in Years 7 to 11 attending the Academy at the time of application.
 - f) Other children whose parents have requested a place.
 - g) Children whose parents did not submit a request for a place by the published closing date.

Where there are more applications than places after application of criteria a-e above, preference will be given to pupils who live nearest the Academy as defined by the straight line distance from the Academy using the National Ordnance Survey set points. If after applying all the admissions criteria and the distance tie breaker, there are more applications than places available, a Random Allocation will be used.

*In accordance with Section 22 of the Children Act 1989, a 'Looked After child' is defined as:

- a child who is in the care of / provided with accommodation by a Local Authority in the exercise of their social services functions in accordance with section 22(1) of the Children Act 1989 at the time of making an application to the Academy.
- Previously Looked After children are children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). This includes children who were adopted under the Adoption Act 1976 and Section 46 of the Adoption and Children Act 2002.

**In accordance with the Schools Admissions Code 2021, 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 will 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).

***Siblings are defined as:

- children who live as brother or sister in the same house, including natural brothers or sisters, adopted siblings, stepbrothers or sisters and foster brothers and sisters or another child normally living for the majority of term time in the same household, where an adult in the household has parental responsibility as defined by the Children Act 1989, or any child in the household where an adult in the household is defined as a parent for the purposes of Section 576 of the Education Act 1996. This could include a person who is not a parent but who has responsibility for him/her.
- In the case of siblings in the same year group, where there is only one place available in the Academy, both will be considered together as one application. The Academy may go above its admission number as necessary to admit all the children.

7. Where a child lives with parents with shared responsibility, each for part of a week, the 'home' address will be determined as the address at which the child resides for the majority of the week and/or where the child is registered with a doctor and/or where the child benefit is paid.
8. As an Admission Authority, we have the right to investigate any concerns we may have about your application and to withdraw the offer of a place if we consider there is evidence that you have made a fraudulent claim or provided misleading information, for example a false address was given which denied a place to a child with a stronger claim. We reserve the right to check any address and other information provided so we can apply the oversubscription criteria accurately and fairly.

OPERATION OF WAITING LISTS

9. As required by the Schools Admissions Code, the City of Derby Academy will maintain a waiting list until the end of the autumn term. Applications for inclusion on a waiting list will be ranked solely according to our over-subscription criteria as described in paragraph 6 above.

IN-YEAR FAIR ACCESS ADMISSIONS

10. The City of Derby Academy participates in the Derby City Council's Fair Access protocol. The purpose of the Fair Access Protocol is to ensure that vulnerable children are offered a school place as quickly as possible and to evenly spread children with additional needs across all schools in the county. The protocol only applies to mid-term applications; it does not operate when children transfer from primary school to secondary school.
11. The Local Authority will co-ordinate admissions for in-year applications and for applications for year groups other than the normal point(s) of entry.
12. Subject to any provisions in the LA's co-ordinated admission arrangements relating to applications submitted for years other than the normal year of entry, the Academy will consider all such applications and if the year group applied for has a place available, admit the child.
13. If more applications are received than there are places available, the over-subscription criteria in paragraph 6 and for the relevant age group shall apply. Parents whose application is refused shall be entitled to appeal.

ADMISSION OF CHILDREN OUTSIDE THEIR NORMAL AGE GROUP

14. Parents may request admission for their child outside their normal age group. In general, it is considered that children should be educated in their normal age group, with the curriculum differentiated as appropriate and they should only be educated out of their normal age group in very limited circumstances. For example, if the child is gifted and talented, or has experienced problems such as ill health. In the event of a student needing to repeat an academic year GCSE students would be required to complete their qualifications in the academic year of their 17th birthday.

The decision to allow a child to repeat a year or to admit a child into a cohort outside their chronological year group lies with the Academy, in liaison with the Local Authority, based on the circumstances of the case and in the best interests of the child concerned, taking into account the views of the parent, the Principal and any supporting evidence provided by the parent.

Any parent of wanting their child to be admitted outside of the normal age group for Year 7 should make an application to their Local Authority for their child's normal age group at the usual time but also submit a request for admission outside of the normal age group at the same time.

Any parent wanting their child to be admitted out of the normal age group in any other year should submit a request, in writing, to the Academy as soon as is possible.

RIGHT OF APPEAL

15. There will be a right of appeal to an Independent Appeals Panel for unsuccessful applicants relating to admissions at age 11 or above. Appeals should be made within twenty (20) school days of the date of refusal.

If refused admission, you should contact the Academy at the address below to lodge an appeal:

**PA to the Headteacher
City of Derby Academy
Farmhouse Road
Sinfin
DERBY
DE24 3AR**

Please mark your envelope 'Appeals'.

More information on appeals can be found here:

<https://www.derby.gov.uk/education-and-learning/schools-and-colleges/school-admissions/schools-admissions-appeals/appeal-decision/#page-1>

APPENDIX 1

CITY OF DERBY ACADEMY ADMISSIONS APPEALS – GUIDE FOR PARENTS/CARERS

Source of Information

The guidance contained in the Academy Guide for Parents/Carers is based upon information from the School Admission Appeals Code Of Practice published by DfE 2021, and created after the School Standards And Framework Act 1998 (as amended by the Education Act 2002).

If parents wish to obtain a copy of this publication it can be downloaded from:

<https://www.gov.uk/government/publications/school-admissions-appeals-code>

If your child has been refused a place at the City of Derby Academy, you have the right to appeal against that decision.

Appeals are heard by an Appeal Panel, which is independent of the Academy and acts in accordance with the Appeals Code of Practice (2012).

Introduction

The letter, from the Local Authority (LA) or the Academy, telling you that the Academy has decided not to offer a place to your child, should make clear the reasons for the refusal. You should consider very carefully whether or not you wish to appeal against the decision. You will need to consider the following points:

- the Academy's policy for admitting students as published in the Academy prospectus
- the specific reasons given for not admitting your child
- your reasons for wanting your child to attend the Academy and the strength of your case
- alternative schools available. You may wish to visit these schools and/or speak to the Headteachers of those schools.

How to make an appeal

The letter from your LA will contain:

- Information on where to obtain an Appeals Application Form
- Information on where to send your notice of appeal and by what date

Your appeal must be in writing.

You should think carefully about the original reasons you gave for wanting your child to attend the school. You can add more information on the Appeals Application Form. All information will be made available to the Independent Appeals Panel before the hearing. It is important that the Appeals Form is returned as soon as possible.

The information should include copies of any letters or documents, such as medical evidence, if you wish it to be used at the hearing. This must be sent with the Appeals Form and it will be passed on to the panel members. Confidentiality will be maintained. Further information can be produced at the hearing but it must be remembered that members of the panel and the governors' representative will not have had time to study this information. Consideration of any additional information will take place during your 15-minute hearing.

Upon receipt of the completed Appeals Form, **the Academy is allowed 30 school days** in which to hold the hearing.

If you decide to appeal you will be called 'the appellant' in the documents.

Admissions Appeal Timetable

Secondary Transfers: (for admission into Year 7 in September of the Academic Year):

Appeal requests received after set date for secondary applications below will be heard alongside others if timing allows. If not, appeals will be heard within 30 school days of receipt.

- Appellants will receive **at least 10 school days' notice** of their appeal hearing and will be heard by the set date for Stage 2 -Appeals.
- Decision letters will be sent to appellants within five school days of the hearing wherever possible.

Action Dates

Date for Secondary Applications: 31 October

National Offer date for Secondary Schools: 1 March

Closing date for Appeals: 31 March

In Year:

- Appeal requests will be heard within **30 school days** of receipt.
- Appellants will receive **at least 10 school days' notice** of their appeal hearing.
- Decision letters will be sent to appellants **within 5 school days** of the hearing wherever possible.

How I prepare for the hearing

The Independent Appeals Clerk will send you details of the date, time and place at which the hearing will be held. It may not be at the Academy.

It is very important that you return the confirmation slip indicating whether you will be attending or not.

It is in your own interest that you attend the hearing in person, no matter how nervous or uncertain you may feel. A friend may accompany you or you may be represented. You should let the Independent Appeals Clerk know before the hearing.

If you cannot attend, you should let the Independent Appeals Clerk know in good time. If you cannot attend, the hearing will be held without you and your case will be heard on the basis of your written statements. The Appeal Panel will make their decision on the strength of your written evidence. You should be given plenty of notice of the date and time of the hearing. This would normally be 10 days. At least seven days before the hearing you should receive a written statement of the governors' case.

If you need the help of an interpreter or special access because you are disabled, then contact the Academy for help.

If there is anything that you are not sure of, please contact the Academy.

The Appeals Panel

The Panel must consist of 3 or 5 members appointed by the Independent Appeals Clerk. At least one panel member must fall within each of the following categories:

- at least one lay member, who has no personal experience in managing education, cannot be a teacher, does not work for the Academy and is not a parent of a child at the Academy
- independent people who have experience in education or know about education in the area.

The panel is independent of the Academy and its governors. It must make sure that the hearing is fair and not biased.

The clerk is appointed by the Academy but is independent of the school. The clerk takes notes at what happens at the hearing and conveys the result to both parties. The clerk can also give advice to the panel.

Procedure at the Hearing

The panel follows two stages to reach their decision:

- The panel must first decide if the Academy's admission arrangements have been correctly applied. In cases where your application has been refused on the grounds that there would be prejudice to the provision of efficient education or use of resources by admitting your child, the panel must also satisfy themselves that prejudice exists.
- If this prejudice is not found, then the appeal must be allowed at this stage. Only when the panel agree that the arrangements have been correctly applied and, where appropriate, they do believe prejudice would arise, then they must consider: Whether your case is so strong that it outweighs the governors' case.

The hearing will be informal but the procedure will be as follows;

- the governors' representative will present the case for the Academy;
- you, or your representative, may question the governors' representative;
- the panel may question the governors' representative;
- you, or your representative, present your case;
- the governors' representative may ask you questions;
- the governors' representative will sum up the case for the Academy;
- you, or your representative, will sum up your case.

The panel members may ask questions, at any time, to make sure they understand all the points made by you and the governors' representative.

When there are a number of appeals to be held on the same day, the procedure will be as follows:

the admission authority will present its general case (the factual case) in the presence of all groups of parents

- the parents may ask general questions about the case
- the panel will decide, if by admitting all the appellants, it would cause prejudice to efficient education at the Academy
- if the panel finds that admission of the appellants would not cause such prejudice, then the appeals should be upheld
- if prejudice is proved, then the panel will consider each individual case as described above
- This order gives both you and the Academy an equal opportunity to put each case to the panel in a clear manner.

What happens after the hearing

You will be told of the Panel's decision by letter from the Independent Appeals Clerk, **no later than 5 school days** after hearing.

The letter will give the reasons for the Panel's decision. You do not, however, have the right to see the notes of the hearing, unless the panel agrees.

Appeal panels must either uphold or dismiss an appeal and must not uphold an appeal subject to any specified conditions. Under Section 94(6) of the School Standards and Framework Act 1998, a panel's decision that a child shall be admitted to a school is binding on the admission authority concerned.

Further help and information after the panel hearing

Both the appellants and the school must accept the decision of the Appeal Panel.

If you are concerned your appeal did not comply with the DfE's Code of Practice or that the appeal process was flawed, which you feel affected the outcome of your appeal, you can complain to the Education and Skills Funding Agency (ESFA) within six months of the date of the appeal hearing.

The ESFA will investigate the complaint on behalf of the Secretary of State if it considers there are sufficient grounds to do so.

If the ESFA finds the appeal arrangements have breached the Code of Practice and the breach may have affected the outcome of your appeal, the academy may be required to establish a fresh appeal panel to hear the case.

However, the Secretary of State, and the ESFA who acts on his behalf, cannot overturn the decision of an independent appeal panel. This may only be challenged through the Courts through a Judicial Review:

The ESFA can be contacted at:

Academy Admission Appeals Complaints
Academies Central Unit, Education Skills Funding Agency
Cheylesmore House
5 Quinton Rd
Coventry
CV1 2WT

There are alternative methods of contacting the ESFA provided in the following link:

<https://www.gov.uk/schools-admissions/complain-about-the-appeals-process>