



Admission of Pupils

At the beginning of the academic year, children entering Finlay Community School at the age of 4 years are admitted from a variety of local Early Years settings and other areas. Finlay School, the Early Years settings and parents/carers work closely together to ensure a smooth and happy transition from Foundation 1 to foundation 2 (see our transition policy) in order to give children the best possible start to their school life.

In the Summer Term preceding entry, parents and carers are invited to an early evening meeting. This affords new families with the opportunity to meet with the Head Teacher, the school's Special Educational Needs and Disabilities Co-Coordinator and the Reception Teachers and teaching assistants.

Admission of children takes place subject to the following criteria:

1.A 'looked after child' (1) or a child who was previously looked after but immediately after being looked after became subject to an adoption(2) child arrangements order (3) or special guardianship order (4) .

(1) 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. In Gloucestershire, such children are referred to as Children in Care.

(2) This includes children who were adopted 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).

(3) Under the provisions of s.14 of the Children and Families Act 2014, which amend section 8 of the Children Act 1989, residence orders have now been replaced by child arrangements orders.

(4) See Section 14A of the Children Act 1989 which defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

2. "Sibling refers to a brother or sister, half brother or sister, adopted brother or sister, step brother or sister or the child of the parent/carer's partner, as well as children brought together as a family by a same sex civil partnership. In every case, the child must be living in the same family unit at the same address."

3. Children with the strongest geographical claim, measured in a straight line from the ordnance survey address point of the child's home address (including flats) to the ordnance survey address point of the school, using the Local Authority's computerised measuring system, with those living closer to the school receiving the higher priority.

3. To appeal, paperwork (Appendix A) is available from the school and must be completed and returned to school. The Head Teacher is happy to meet parents to discuss admission and to advise parents on the Appeals Procedure.

Class Sizes

It is the governor's decision to limit the number of pupils in every class. The Governing Body has set admission number at 60 for pupils to be admitted to the reception year which began in 2019. The reasons considered when making this decision include:

- The significantly above average percentage of SEND pupils
- The specialist Speech and Language Support provided for pupils with difficulties

- The size of classrooms including the above support needed for these pupils (some of whom need individual work stations)
- The behavioural needs of children attending the school
- The additional support the school provides to other schools in the local community
- The training provided for University students on the school site
- The expertise support required for parents and carers

It is the governor's view that overcrowding has a significant impact on the learning of the pupils as well as additional stress on staff, resources, space, routines and behaviour. Therefore, as an inclusive school, a waiting list has been established and is used alongside this admissions policy whenever a space becomes available.

The Right of Appeal

In the event of a child being refused a place there is a right of appeal to an independent appeal process.

Each academic year, places will be offered to those qualifying. Where requests for admission exceed the standard number, parents will be notified if a place is not available for their child, and of their right to appeal. In order to appeal the attached paperwork **MUST** be completed (Appendix A) and sent to Finlay Community School.

When a parent wishes to appeal against the refusal to admit a child, an independent appeals committee will be set up. The process is managed by the school who will organise an independent panel.

Special Education Need and Disabilities - the school is required to admit a child with an Education Health and Care Plan (EHC) as well as those with a statement of Special Educational Needs that names the school, even if the school is full.

Waiting Lists

If the school is oversubscribed, a waiting list will be held for (at least) the first school term (i.e. until the end of December term half-term). The waiting list will be prioritised according to the Admissions criteria.

In Year Admissions

Any applications for a school made outside the normal year of entry to the school must be made directly to the school. An In-Year Application will need to be completed and sent to the school. If there are no places available you will have the option to place your child/ren on a waiting list where the schools criteria will be applied when/if a place becomes available. You will still have the right to appeal this decision (see above).

Summer born children and their right to defer their entry

In response to the Department for Education (DfE) guidance and the new statutory requirements in the revised School Admissions Code summer born children (those born between 1 April and 31 August) have the option to defer starting school.

Children must be receiving full-time education by the start of the term following their fifth birthday. For children born between 1 September and 31 December, they reach compulsory school age on 31 December and must be receiving full-time education at the start of the Spring term (i.e. after the Christmas holidays, in January). For children born between 1 January and 31 March, they reach compulsory school age on 31 March and must be receiving full-time education by the start of the Summer term (i.e. after the Easter holidays, in March or April) For children born between 1 April and 31 August, they reach compulsory school age on 31 August and must be receiving full-time education at the start of the new school year (i.e. after the summer holidays, in September).

What options do I have available?

Gloucestershire County Council administers the admissions of all children in the September following their fourth birthday. Parents of non-compulsory school age children (four year olds) may request a pattern of part-time attendance or delay if that best suits the needs of their child. Parents will be offered the opportunity for their child to: start Reception in September on a full-time basis from their first day of attendance or on a part-time basis up to the point of reaching compulsory school age; delay the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the summer term of the school year for which the offer of the school place was made.

Summer born children (those born between 1 April and 31 August) only: defer their child's entry to school by a whole year until they reach compulsory school age and be admitted to Reception rather than Year 1 with their chronological peers. This means that a summer born child would not start school at all during the academic year after their fourth birthday. Details on the process for seeking approval for deferring a child's admission:

- Gloucestershire County Council is the admission authority for all Community and Voluntary Controlled schools in Gloucestershire. The application form to request deferred admission to reception year is available to download on Gloucestershire County Council website. Alternatively if you are unable to access this form please contact Co-ordinated Admissions Tel: 01452 425000. For schools outside of Gloucestershire, you will need to contact the individual schools directly to obtain their approval to consider deferring your application.
- In addition to seeking approval at your preferred schools, you should make an application as part of the main admission round for the year group that your child would normally be admitted to school, by the closing date of 15th January, until a decision on your request to defer has been reached.

Finlay Community School Policy

- All information, including any preferences you make, must be submitted by you to the Local Authority during the Standard Application Process dates given in the Guidance booklet and the website www.gloucestershire.gov.uk/schooladmissions .

Agreed by Governors:

Signed:

Date:

Appendix A

Finlay Community School
School Admission – Notice of Appeal Key Stage 1

If you want to appeal, complete this form (block letters please) and return one copy to Finlay Community School If appealing for more than one child, please complete a separate form for each child.

Parents' names: (First Name)	Parent 1	Parent 2

Finlay Community School Policy

(Title and Family Name)		
ADDRESS:		
e-mail		
We use e-mail as our main method of communication with you?	Yes/No	Yes/No
Telephone Nos.	Home: Mobile: Work:	Home: Mobile: Work:
Please give a contact address if either natural parent lives elsewhere (if this is available).		
Child's full name		Date of Birth:
Present school		School Year:
Please list school(s) you are appealing for in order of preference, if more than one	1. 2. 3.	
School allocated		
Is this your first appeal?		Yes/No
Has your child a statement of special educational needs?		Yes/No

**I wish to appeal against my child's school allocation for the following reasons:-
(Please note these should include your reasons for feeling a mistake has been made or
that the Admission Authority has acted in an unreasonable manner – continue on a
separate sheet if necessary)**

I will /will not be calling witnesses

I wish/do not wish to attend and speak when the appeal is considered

I would like to be represented by (name and address):

SIGNED:

DATE:

1. The Appeal System

1.1 Purpose of Appeal

The choice of school for your child is obviously very important to you. If you are not happy with the place allocated, you may want to have this decision reviewed by a Body that can act independently and make a fresh allocation, if that is thought to be right. This is the purpose of the School Admission Appeal System.

1.2

The purpose of this leaflet is to explain the Appeal System. If you decide to appeal, every effort will be made to help you. Please do not be put off from making an Appeal because of doubts about your ability to present your case. The Panel will be interested in the reasons for your choice of school, not your skill as an advocate.

1.3 Legislation and Code of Practice

It is necessary to have some basic rules for dealing with Appeals (e.g. setting a final date for Notice of Appeals helps the Panel to deal with all Appeals in the fairest possible way). However, the rules are kept to a minimum. The procedure that will be followed is based on the School Standards and Framework Act 1998 and on a Statutory Code of Practice published by the Department for Education (DfE). In addition the Panel takes account of the Code of Practice on Admissions, published by the Department for Education. Copies of these documents can be seen on the DfE website. The Panel is subject to supervision by the Administrative Justice and Tribunals Council.

1.4 Further Information

If you decide to appeal please read this leaflet carefully. The appeals are organised on behalf of the Governing Body by the Democratic Services Unit of the County Council and, if you need any more information you should contact School Appeals Gloucestershire County Council: 01452 425000

1.5 Appeals covered by this Leaflet

This leaflet applies to admissions to the infant age group where you are objecting to a refusal to give you a place because to do so would take the number of pupils in the class over 30.

2. When to Appeal

2.1 Admission to Primary or Secondary Schools

Parents can ask for a child to be admitted to a school in any school term. Most appeals, however, concern transfer of pupils from Primary to Secondary Schools, the choice of first Primary School, or the choice of Primary or Secondary School when moving into a new area.

2.2 Review of Allocation

You should not make a formal appeal without first having received a final decision letter.

2.3 Deadline Dates

You may appeal for entry on one occasion in each school year. Your final decision letter from the School will indicate a specific deadline date by which your appeal must be made. Appeals for admission within the school year (called “ad hoc” appeals) should be made within the time limit indicated in the final decision letter. If you intend to appeal, you are strongly advised to give notice within the time limit, if that is possible.

3. How to Appeal

3.1 Statutory Requirements

The School as the Admissions Authority is required to make arrangements for parents to express a preference for the school at which they wish their child to be educated. Under Section 86(2) of the School Standards and Framework Act 1998 the Admissions Authority must comply with any preference unless:

Compliance with the preference would prejudice the provision of efficient education or the efficient use of resources.

Admission arrangements for the preferred school are wholly based on selection by high ability or aptitude and the admission of the child would be incompatible with selection under those arrangements.

Admission would be incompatible with co-ordinated admission arrangements covering two or more maintained schools which have been approved by the Secretary of State.

The child has been permanently excluded from two or more schools and at least one of the exclusions took place after 1 September 1997.

Note

Prejudice of the kind referred to in (a) above may arise by reason of measures required to be taken in order to ensure compliance with the duty imposed by Section 1 (6) of the School Standards and Framework Act 1998 (duty of Local Education Authorities and Governing Bodies to comply with infant class sizes.)

With regard to (d), the requirement to comply with parental preference does not apply for two years after the second exclusion. This does not

apply to children below compulsory school age, or to pupils reinstated after exclusion. A permanent exclusion is regarded as taking effect from the first school day the Headteacher has told the pupil not to attend the school. If your child is in this situation, please contact the Democratic Services Unit for further advice.

3.2 Deciding to Appeal

Your final decision letter (which should have reached you with this leaflet) will explain the reasons why your child has not been offered a place at your preferred school. Consider these reasons carefully, in the light of the Statutory Reasons for Refusal (paragraph 3.1) and the reasons for wanting your preferred school. You should also have regard to the Published Admissions Policy, a copy of which can be obtained from the School.

3.3 Notice of Appeal

Your notice of appeal must be in writing, setting out the grounds on which it is made. Please use the Appeal Form attached to this leaflet.

3.4 Reasons for Appeal

The Statement of Reasons for your appeal is important. It is not enough to state that the reasons will be explained at the Appeal Hearing. Write down any reasons for your preference of school that you want the Appeal Panel to consider.

As you have been refused a place under the implementation of the Class Size Regulations you are strongly advised to bear in mind that the Appeal Panel can only decide in your favour on 2 grounds i.e.

- if there was a mistake made in the Admissions process which affected the allocation of a place to your child.
- Or
- if the School as the Admissions Authority has not acted in a “reasonable manner” in refusing to allocate a place at your preferred school.

The Code of Practice defines not acting in a reasonable manner as ‘perverse in the light of the admission arrangements’, i.e. beyond the range of responses open to a reasonable decision maker, or a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it.

It is helpful if your grounds for appeal can explain your views on these two areas.

3.5 Documents

If you want the Panel to consider any letters or documents, you should enclose a copy with your Notice of Appeal (or, if the document is bulky, explain what it is and indicate what relevant information it contains). The Panel will only consider documents put forward by you or by the School. It will not have read any files of correspondence between you and the school.

3.6 Supporting Evidence

Consider whether any of your reasons for appeal need to be supported in some way. For example, if you believe that there are medical reasons for allocating a place at your preferred school consider whether you should ask your doctor for a letter commenting on your claim. The Panel will consider any written evidence you provide.

Whenever possible please attach any supporting documents to your appeal form. If you are not able to supply supporting documents with your appeal form you should try to provide a copy by the deadline date given in your appointment letter. The Panel will consider any written evidence you provide before the deadline date. However any material submitted after this date may not be considered by the Panel.

3.7 Attendance

It is in the interests of all concerned for parents to attend hearings, if that is possible. You may be accompanied by a friend, or you can ask someone else to represent you. Please let us know if you intend to do this. However it is not appropriate for you to be accompanied by a teacher from your child's current school. It is for you as parents to decide if your child should be present at the appeal hearing. If you wish to bring your child with you please let us know in advance.

If you are not present, the Panel will consider the case very carefully on the basis of any written representations that you have made when giving notice of your Appeal, together with the School's Statement, any documents supplied by either of you, and the published Admissions Policy. However, the Panel members will not be able to ask you questions about your case and you will not be able to question the Presenting Officer.

3.8 Special Needs

If you have special problems in attending the Hearing (perhaps because you have a disability) or if there is any other information that you think is relevant, please include the information in a separate letter.

3.9 Sending the Notice

When you fill in the Appeal Form, send **one** copy of it to Finlay Community School. The second copy of the form is to be retained by you.

3.11 Delay

Please send in your Notice of Appeal as soon as possible. If there is an important document that is not available, do not hold up your Notice of Appeal beyond the deadline date, but add a note detailing the document you are waiting for. Please remember that you should aim to send the missing document(s) before the deadline given in your appointment letter to ensure that they are considered by the Panel.

4. Arrangements for the Appeal Hearing

4.1 Date and Place

Most Appeal Hearings for reception entry will take place from the middle of June to the end of July. Appeal Hearings are also arranged regularly throughout the year. If you are making an ad hoc appeal, you will be offered an appointment for the next appropriate date. This may occasionally be more than four weeks from when you lodge your Appeal. All Hearings will be during normal office hours and if possible held in a place that is reasonably accessible to you. A letter will be sent to you two weeks before the Hearing, telling you when and where it will be held. Every effort will be made to deal with appeals on the date allocated. It is difficult to rearrange Appeal dates without affecting the timetable for other Appeals. However, if you want to be present but are genuinely unable to attend on the date allocated, please telephone the numbers given in paragraph 1.4 as soon as possible, explaining why you cannot attend on that date.

4.2

At least a week before the Hearing date, you will be sent a copy of the School's Statement that the Panel will consider. This Statement should explain the application of the published Admissions Policy to your case and the reasons for deciding to refuse a place at the school of your choice by reference to Section 86 of the School Standards and Framework Act 1998 (see paragraph 3.1). The Statement may make reference to the reasons given by you for your Appeal and your original explanation of the reasons for your preference, where those are not the same. Your Notice of Appeal and the School's Statement, together with other documents supplied by you or the School will also be copied to the Members of the Appeal Panel. On occasion, it may be necessary to ask you to supply additional copies yourself of the other documents you would like the Appeal Panel to consider. If this is the case, you will be informed of this at the earliest opportunity and, in any event, by the time you are offered an appointment.

4.3

If there was any document that you were unable to supply with your Notice of Appeal, please send a copy as soon as it is available, so that the Panel members and the Presenting Officer from the School can read it before the Hearing.

Any documents provided after the deadline date will only be considered if the Panel agrees, having taken into account the

significance of the material and the implications if the Hearing has to be adjourned to allow time for everyone to read and consider the additional paperwork.

5. The Appeal Hearing

5.1 The Appeal Panel

Membership of the Appeal Panel comprises one lay member, one parent and either another lay member or parent. The Panel is independent of the School. None of the members will have been connected with the allocation, or with any schools concerned. The Panel must take account of your preference and the School's arrangements for allocating pupils in excess of the published admission number, if that is thought to be justified in all the circumstances. It will base its decision on the allocation of pupils and on the circumstances of each case.

5.2 Attending the Hearing

If you decide to attend the Hearing, please wait in the waiting area until you are called into the room where the Appeal will be heard. Every effort will be made to hear appeals at the time stated in the letter that is sent to you, but, sometimes, earlier appeals may take longer than expected.

5.3 Who may be Present?

Appeals will be heard in private. The three members of the Appeal Panel will, of course, be present, together with usually one Officer from the Democratic Services Unit to make notes and advise the Panel on matters of Law and procedure (but not to participate in the decision making). The School will normally be represented by a Presenting Officer who will enter and leave with you.

5.4

The Appeal Hearing will follow the procedure set out in the Code of Practice. This may make the Appeal Hearing appear rather formal; however, every effort is made to put parents at their ease and give them every opportunity to present their case. The procedure is based on fairness and will normally be as follows.

1. Parents and Presenting Officer called in, Chairperson to introduce everyone and explain procedure and decision process.
2. Presenting Officer to explain the Council's case.
3. Parents to ask questions of Presenting Officer.
4. Panel to ask questions of Presenting Officer.
5. Parents to explain reasons for appeal.
6. Presenting Officer to ask questions of parents.
7. Panel to ask questions of parents.
8. Presenting Officer to sum up.
9. Parents to sum up.
10. Parents and Presenting Officer to leave.
11. Panel to discuss the case and come to a decision.

5.5

The Appeal Panel will make its decision on the basis of the information supplied by you and the School. The members of the Panel will have some background knowledge of the school allocation system, but they will not have had a briefing about your case. They will not be given confidential information about your case that is not available to you. Confidential information about other children or their families will not, of course, be made available to you.

5.6 Documents

The Panel will have copies of:

- a. Your Notice of Appeal and any relevant documents sent therewith.
- b. The School's Statement, which will have been supplied to you at least seven days before the Hearing, together with any documents sent with the Statement.
- c. Information published by the School relating to arrangements for the admission of pupils.

5.7 Witnesses

It should not normally be necessary for witnesses to be called (a letter or report will normally be sufficient), but the Panel may agree to hear evidence from witnesses if it would be relevant to the Appeal. If you wish to bring witnesses, please inform the Appeals panel before your appeal hearing.

6. After the Hearing

6.1 The Decision

The Panel will make its decision after you and the Presenting Officer have left the room. It is, first of all, necessary for the Presenting Officer to have satisfied the Panel that the School as the Admissions Authority was legally entitled to refuse a place at your preferred school on one of the grounds in Section 86 of the School Standards and Framework Act 1998 (see paragraph 3.1). If the Panel is not satisfied that one of the Section 86 grounds applies, then your Appeal must be allowed. Once the Panel is satisfied that the School was legally entitled to refuse a place at your preferred school, it must then consider if the decision was not one which a reasonable admission authority would make in the circumstances of the case.

The Panel may also need to consider the consequences of allowing all or only some appeals for the same school and the grounds for each of those appeals.

6.2 Adjournment

It is often necessary for the Panel to defer making a decision, e.g. to allow it to hear a number of competing claims for the same school or to give parents and the Presenting Officer an opportunity to discuss a possible solution.

6.3 Announcing a Decision

When a decision has been made, it will be notified to you in writing as soon as possible, with a statement of the reasons for the decision if your wishes have not been met.

6.4 The Effect of the Decision

If your Appeal is successful, it will be binding on the School. If your Appeal was not successful, it might still be possible for the School to offer you a place if vacancies occur later. If you are still interested, you should contact the School and ask to remain on the waiting list.

6.5 What Next?

There is no further right of appeal against the Appeal Panel's decision. However, if you consider that there has been maladministration in the way the decision has been reached, then you may complain to the Local Government Ombudsman. Further information about the circumstances in which complaints may be made and the relevant address can be obtained from the Democratic Services Unit. It is also possible for an application for judicial review to be made, but you would be advised to seek legal advice if you consider this course of action. The Secretary of State cannot review decisions of individual Appeal Panels, but can consider whether the Appeal Panel was correctly constituted or whether the Admissions Authority has acted reasonably in exercising its functions in respect of the Appeal Process.