

**SCHOOL ADMISSION ARRANGEMENTS
PROTOCOL FOR PUPIL ADMITTANCE OVER PUBLISHED ADMISSION NUMBER (PAN)
- FOR LOCAL AUTHORITY COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS**

1. BACKGROUND

In accordance with the School Admission Code **2021**, as the admission authority for all Community and Voluntary Controlled Schools, Gloucestershire County Council must publish the admission number for each of these schools in its determined admission arrangements by 15th March each year. Any published admission number (PAN) must be based upon the physical capacity of the school and the overall demand for places in an area.

The County Council believes that admitting children in accordance with a school's published admission number is the most fair, consistent and transparent method of offering places to children and it is therefore best practice to consider a formal increase to any school's PAN should there be any changes to their physical capacity which enables them to accommodate additional pupils.

However, the School Admission Code **2021** does make provision for admission authorities to admit above their admission number during the admissions process to meet parental demand. Therefore, this protocol sets out how the County Council will implement such flexibility in a transparent manner whilst ensuring that the sustainability of the whole school system is not compromised.

2. DECISION MAKING

In order to ensure that Community and Voluntary Controlled schools have the same opportunity to benefit from the increased School Admission Code flexibility as other maintained schools and academies in the county, the County Council is keen to support these schools in admitting places to children over their PAN. However, this protocol must be followed to ensure that all decisions are made consistently and do not unfairly disadvantage individual children or community groups.

In all cases, any decision to admit a pupil over a Community and Voluntary Controlled school's PAN must be made by the Access to Education Team in the County Council. Whilst the standard process for in-year admissions has been delegated to individual schools, the County Council is not able to formally delegate any official decision making (most specifically offering a place to a pupil when the school has already reached its PAN, or refusing a place to a pupil when the school is under its PAN) and therefore is required to make all such decisions for them to be lawful.

Where individual Community and Voluntary Controlled schools consider that they have the physical capacity to accommodate individual pupils over their PAN, and the circumstances meet the criteria of this protocol, they should approach the Access to Education Team in the County Council to discuss the case. At no point in the process should Community and Voluntary Controlled schools advise a parent, or any other party, that they are able to offer a place before this decision has been made by the County Council – any such practice would be unlawful and is likely to lead to the County Council formally removing the school place from the child to protect the integrity of the admissions process and mitigate any legal challenge from third parties.

Where the Access to Education Team in the County Council decides that any pupil can be accommodated at a Community and Voluntary Controlled school above its PAN, it must be able to evidence the full consideration of such cases and document rationale for its decisions to comply with admissions law and best practice requirements. The Education Planning Team will also be involved in

the consideration process. In any case, where a school is oversubscribed, any pupil considered for placement above a school's PAN must be at the top of the waiting list.

Whilst predominantly associated with in-year admissions, it is anticipated that this protocol will also apply for annual admissions to schools during the normal year of entry, if demand for places exceeds local provision however, such decisions will usually be made to inform the offers made on the national allocation day, or the County Council's subsequent offer date, to ensure that all children are treated fairly and equitably.

3. CRITERIA

In establishing the following criteria, the County Council has regard to its duty to ensure that all pupils in the county have access to education within a reasonable distance from their home whilst supporting parental preference where this is reasonable and practical to achieve.

Section 2.16 of the School Admissions Code **2021** states that 'infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher, as defined in Section 4 of the SSFA 1998. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) Children admitted outside the normal admissions round with statements of special educational needs or an Education, Health and Care Plan specifying a school;
- b) Looked after children and previously looked after children (including those 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) admitted outside the normal admissions round;
- c) Children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) Children admitted after an independent appeals panel upholds an appeal;
- e) Children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) Children of UK service personnel admitted outside the normal admissions round;
- g) Children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) Children with special educational needs or an Education, Health and Care Plan who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school

Therefore, the County Council will support Community and Voluntary Controlled schools in admitting children over their PAN where all of the following circumstances apply:

1. The admission of the additional pupil/s would not cause the school to breach Infant Class Size Regulations¹ unless the pupil can be considered as an exception as defined in **2.16** of the School Admissions Code **2021**
2. The school has the physical capacity within current class sizes/structure and overall net capacity to accommodate the additional pupil/s¹;
3. The school would not require any additional resources to meet pupil need¹;
4. The admission of the additional pupil/s would not require any specific funding, nor have an adverse financial impact on the school¹;
5. There have been no appeals for the year group in question made for a child in similar circumstances for the academic year in question unless a case is considered by the Access to Education Team of the County Council under fair access arrangements due to the child's vulnerability);
6. Any additional pupil/s living within the local area (i.e. within statutory walking distance²) of the school and alternative schools in the area are either also unable to accommodate them within their

PAN or would necessitate an unreasonably long journey (in excess of the statutory walking distance²);

7. The school either has the capacity to admit additional pupils to the same year group within the next two academic years if their circumstances are considered similar to a pupil admitted over PAN, or the school is able to provide sufficient evidence to show that their capacity, resources or finances have changed so that it is not possible to admit any additional pupil/s in the future (to defend legal challenge)

¹ and would continue to meet this criteria even if all other year groups in the school were at their PAN (i.e. a school cannot exceed its PAN in one year group on the basis that another year group is undersubscribed).

² the statutory walking distance is 2 miles for children aged under 8 years old and 3 miles for children aged 8 and over. Distances are measured using the shortest available pedestrian route along which a child can walk in reasonable safety.

The same criteria will also be used to consider the in-year admittance of a child from a service family above a school's PAN, with the exception of criterion 1 and 5 - as the School Admissions Code 2021 provides additional flexibility for service families (not including Crown Servants) within these categories.

In accordance with the School Admissions Code 2021, whilst the County Council will be mindful of above criteria (with the exception of criterion 1 and 5) it is expected that looked after children, and previously looked after children, will be admitted to the school requested unless there are significant concerns about the appropriateness or capacity of the school to meet their needs.

Whilst the Head Teacher and Chair of Governors of the Community or Voluntary Controlled School will be required to provide their opinion as to whether any case meets the criteria above, the final decision on whether this protocol can be applied in any particular case will rest with officers of the County Council's Access to Education Team.

On occasions where the school has capacity to meet some, but not all, of its demand for school places within a particular year group, all admission applications will be refused and cases will be decided by an independent appeal panel where the application is pursued by the parent.

In some cases, where the County Council is required to admit a number of pupils over a school's PAN to ensure sufficiency of local provision, the County Council may allocate additional resources or funding as necessary to secure capacity at the school. This will usually be linked to the normal year of entry at the school (i.e. Reception) where there is a short-term demand for increased places.

4. RATIONALE

This protocol has been designed in order to meet parental preference for places at Community and Voluntary Controlled schools, whilst ensuring that the County Council complies with school admission legislation and seeking to maintain a viable school system across the county. Whilst the County Council remains supportive of meeting individual parental preference where this is reasonable, it also has a much wider remit of ensuring that no school can expand at the expense of another (reducing parental preference), that in-year admissions do not impair future access to a school for particular children or communities, and that the ability to effectively manage localised fluctuations in demand is maintained.

Where any child has been refused a school place in line with the any part of County Council's admission process, the parent will retain their legal right of appeal against this decision.

This protocol does not apply to Foundation, Voluntary Aided and Free Schools or Academies, although they may choose to adopt similar considerations under admissions best practice.