

**GENERAL**

1. This annex may be amended in writing at any time by agreement between the Secretary of State and the Academy Trust.
2. The Academy Trust will act in accordance with, and will ensure that the Independent Appeal Panel is trained to act in accordance with, all relevant provisions of the School Admissions Code and the School Admission Appeals Code published by the Department for Education (“the Codes”) as they apply at any given time to maintained schools and with equalities law and the law on admissions as they apply to maintained schools. For this purpose, reference in the Codes or law to “admission authorities” shall be deemed to be references to the governing body of the Academy Trust.
3. Notwithstanding the generality of paragraph 2 of this Annex B, the Academy Trust will take part in the Admissions Forum set up by the LA and have regard to its advice; and will participate in the co-ordinated admission arrangements operated by the LA and the local in-year fair access protocol.
4. Notwithstanding any provision in this Agreement, the Secretary of State may:
  - (a) direct the Academy Trust to admit a named pupil to the University Academy Birkenhead on application from a local authority. Before doing so the Secretary of State will consult the Academy Trust.
  - (b) direct the Academy Trust to admit a named pupil to the University Academy Birkenhead if the Academy Trust has failed to act in accordance with this Annex or has otherwise failed to comply with applicable admissions and equalities legislation or the provisions of the Codes.
5. The Academy Trust shall ensure that parents/carers and ‘relevant children’ will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the Academy Trust. The Independent Appeal Panel will be independent of the Academy Trust. The arrangements for appeals will comply with the School Admission Appeals Code published by the Department for Education as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.
6. The Academy Trust shall prepare guidance for parents/carers and relevant children about how the appeals process will work and provide them with a named contact who can answer any enquiries they may have about the process. The Academy Trust may, if it chooses, enter into an agreement with a LA or any other organisation for it to recruit, train and appoint appeal panel members, and to arrange for the process to be independently administered and clerked.

- 7 In paragraphs 5 and 6 above, 'relevant children' means:
- a) in the case of appeals for entry to a sixth form, the child, and;
  - b) in any other case, children who are above compulsory school age, or will be above compulsory school age by the time they start to receive education at the school.

### **Relevant Area**

- 8 Subject to paragraph 9, "relevant area for consultation" means the "Relevant Area" determined by the local authority for maintained schools in the area (in accordance with the meaning of "Relevant Area" within the School Admissions Code).
9. If the Academy does not consider this meaning to be appropriate, it must apply to the Secretary of State by 1 August for a determination, setting out the reasons for this view.
10. The Secretary of State will consider the Academy's application and will by 30 September either:
- a. determine the area for consultation; or
  - b. determine that the meaning within paragraph 8 should apply.
11. The Secretary of State may consult the local authority before making such a determination
12. Within 14 days of the Secretary of State's determination, the Academy will notify the consultees listed in paragraph 14 of the determination.
13. In the event of a paragraph 10a determination, a map of the relevant area (or a list of post-codes) will be attached as an appendix to this annex B.

## **ANNUAL PROCEDURES FOR DETERMINING ADMISSION ARRANGEMENTS**

### **Consultation**

14. The Academy Trust shall consult the following parties on the Academy's proposed admission arrangements for a minimum of eight weeks between 1 November and 1 March in the 'Determination Year'<sup>1</sup>:
- a) The LA.
  - b) The admission forum for the LA.
  - c) Any other admission authorities for primary and secondary schools located within the relevant area for consultation.
  - d) Any other governing body for primary and secondary schools (as far as not falling within paragraph c)) located within the relevant area for consultation.

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<sup>1</sup> A 'determination year' is the Academy Financial Year beginning two years before the Academy Financial Year which the admissions arrangements will be for e.g. consultation to end in March 2011 and determination to be in April 2011 for admissions in September 2012

- e) Affected admission authorities in neighbouring local authority areas.
- f) Parents/carers living in the relevant area for consultation whose children have attained the age of two but are not above compulsory school age and who are or will be eligible to apply to be admitted to the Academy;
- g) Community groups which the Academy considers relevant;
- h) Teaching unions if the consultation includes an increase in admission number.

Such consultation shall be in line with the requirements of the Codes and relevant admissions legislation, which at the date of this Agreement is section 89 of the School Standards and Framework Act 1998 as amended, and Regulations under that section.

- 15. From 2011-12, and for subsequent years, consultation in line with paragraph 14 is not required in any year where the following conditions are met:
  - a) the admission arrangements were consulted upon in one or both of the previous two years; and
  - b) there have been no changes, or proposed changes, since the last consultation.
- 16. As soon as any changes are made to arrangements, or proposed, the consultation cycle in paragraph 14 must be followed for the next determination year.

#### **Academy Trust Determination of Admission Arrangements**

- 17. The Academy Trust will consider comments made by those consulted in accordance with paragraph 14, including any requests to amend the proposed admission number, before determining the admission arrangements for the Academy.
- 18. The Academy Trust will determine the Academy's admission arrangements annually by 15 April of the Determination Year and notify consultees listed in paragraph 14 what has been determined within 14 days of that decision being made.

#### **Representations about admission arrangements**

- 19. Where the Academy Trust has determined the Academy's admission arrangements and notified all consultees listed in paragraph 14, if any of those persons or bodies object to the Academy's admission arrangements, including the proposed admission number, they can make representations to the Secretary of State. Any representations must be made by 30 June in the Determination Year.

#### **Secretary of State's Consent for Changes to Admission Arrangements**

- 20. Where the admission arrangements determined in a Determination Year in accordance with paragraph 18 are different from the admission arrangements currently in existence for the Academy, the Academy Trust shall by 30 June in the Determination Year apply to the Secretary of State for him to consent to such amended admission arrangements.

### **Secretary of State's Power to Accept, Modify or Reject Admission Arrangements**

21. Where the Secretary of State has received any representations made in accordance with paragraph 19, the Secretary of State must consult the Academy Trust on such representations. Following such consultation, by 31 July in the Determination Year the Secretary of State may direct that the Academy Trust amends the proposed admission arrangements for the Academy. The Academy Trust shall comply with any such direction.
22. Where the Secretary of State has received an application made in accordance with paragraph 20 seeking his consent to any amended admission arrangements, the Secretary of State must by 31 July in the Determination Year either approve the amended admission arrangements or direct that the amended admission arrangements are not implemented or must be modified. The Academy Trust must comply with any such direction.

### **Publication of Admission Arrangements**

23. The Academy Trust shall each Determination Year publish the Academy's agreed admission arrangements by:
  - a) copies being sent to the persons consulted in paragraph 14;
  - b) copies being sent to Primary and Secondary schools in the LA's area;
  - b) copies being sent to the offices of the LA;
  - c) copies being made available without charge on request from the Academy;
  - d) copies being sent to public libraries in the area of the LA for the purposes of being made available at such libraries for reference by parents/carers and other persons.
  - e) a copy being uploaded to the Academy's website.
24. The published admission arrangements will set out:
  - a) the name and address of the University Academy Birkenhead and contact details;
  - b) a summary of the admission policy, including full oversubscription criteria and any arrangements for post-16 admission;
  - c) a statement of any religious affiliation if relevant;
  - d) numbers of places and applications for those places in the previous year; and
  - e) arrangements for hearing appeals.

## **Proposed Changes to Admission Arrangements by the University Academy Birkenhead After Arrangements Have Been Published**

25. Subject to paragraph 26, once the Academy's admission arrangements have been determined for a particular year and published, the Academy Trust will not make any change to such arrangements unless there is a major change of circumstances and the following procedures have been followed:
  - a) the Academy Trust has consulted those who are required to be consulted under paragraph 14 above on the proposed variation;
  - b) following such consultation, the Academy Trust has applied to the Secretary of State to approve the change setting out:
    - i) the proposed change;
    - ii) reasons for wishing to make such a change;
    - iii) any comments or objections to the proposal from those consulted; and
  - c) following such application, the Secretary of State has provided his consent to the proposed variation.
26. The Academy Trust shall following the prior written agreement or direction of the Secretary of State vary the Academy's admission arrangements where such changes are necessary to ensure compliance with the relevant provisions of admissions law or the Codes as they apply to maintained schools. Such changes may be made at any time.
27. Any changes to the Academy's admission arrangements brought about through the variation processes in paragraphs 25 or 26 above must be published within the Academy's prospectus and on its website and be communicated within 7 days to those persons who must be consulted under paragraph 14.
28. The Academy Trust must make arrangements for a parent of a child who has attained the age of two but is not above compulsory school age and who has been, is or will be eligible to apply to be admitted to the Academy to make representations to the Secretary of State that any aspect of the Academy's admission arrangements does not comply with the relevant provisions of admissions law or the Codes as they apply to maintained schools.
29. Where a representation is made in accordance with paragraph 28, the Secretary of State may, after consulting the Academy Trust, direct that the Academy Trust modify its arrangements for the admission of pupils to the Academy so that they comply with the relevant provisions of admissions law and the Codes as they apply to maintained schools. The Academy Trust must comply with any such direction.
30. Records of applications and admissions to the Academy shall be kept by the Academy Trust for a minimum period of ten years and shall be open for inspection by the Secretary of State.

## PROCEDURE FOR ADMITTING PUPILS TO THE ACADEMY

### Admission Number(s)

31. The Academy Trust has the following agreed admission numbers for the Academy for the year 2012/2013 and 2013/2014 and, subject to any changes approved or required by the Secretary of State, for subsequent years:
  - a) 150 for pupils in Year 7
32. In any specific year, the Academy Trust may set a higher admission number than the Academy's agreed admission number for an applicable year group. Before setting an admission number higher than its agreed admission number, the Academy Trust will consult those listed at paragraph 14. Pupils will not be admitted in any year group above the published admission number for that year group unless exceptional circumstances apply and such circumstances shall be reported to the Secretary of State.
33. If the Academy admits a total of 26 pupils in excess of its admission number in any 3 year period it will determine a higher admission number, after consulting those bodies listed at paragraph 14.

### Process of Application

34. Arrangements for applications for places at the University Academy Birkenhead will be made in accordance with the LA's co-ordinated admission arrangements and will be made on the Common Application Form provided and administered by the relevant local authority.
35. The Academy Trust will use the Metropolitan Borough of Wirral LA's timetable for applications to the University Academy Birkenhead each year (exact dates within the months may vary from year to year). This will fit in with the timetable for the co-ordination of admission arrangements within Wirral LA as agreed by the, Admissions Forum, Wirral LA, local schools and Academies.
  - a) **By September - The Academy Trust will publish in University Academy Birkenhead's prospectus, information about the arrangements for admission, including oversubscription criteria, for the following September (e.g. in September 2014 for admission in September 2015). This will include details of open evenings and other opportunities for prospective pupils and their parents/carers to visit the school. The Academy Trust will also provide information in relation to the University Academy Birkenhead to the Wirral LA for inclusion in the composite prospectus, as required;**
  - b) **September/October - The Academy Trust will provide opportunities for parents/carers to visit the University Academy Birkenhead;**
  - c) **October – Common Application Form to be completed and returned to the pupil's home LA to administer**
  - d) **Wirral LA sends University Academy Birkenhead applications to the Academy Trust;**

- e) **Academy Trust sends list of pupils to be offered places at the University Academy Birkenhead to Wirral LA;**
- f) **February – Wirral LA applies agreed scheme for own schools, informing other LA's of offers to be made to their residents.**
- g) **1 March offers made to parents/carers.**

36. From 2011-12 there will be a national closing date for applications as follows:

- a) 31 October for Secondary applications; and
- b) 15 January for Primary applications

The Academy will ensure its application processes enable parents/carers to apply before these deadlines.

### **Consideration of Applications**

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

### **Procedures where the University Academy Birkenhead is oversubscribed**

#### **Admissions to Year 7**

38. Where the number of applications for admission is greater than the published admission number, applications will be considered against the criteria set out below. After the admission of pupils with statements of Special Educational Needs where the University Academy Birkenhead is named on the statement, the criteria will be applied in the order in which they are set out below:

- a) **Looked after children** (as defined by s22 of the Children Act 1989) and previously Looked after children.
- b) **Children who have a valid medical or social reason for a specific placement.** Details must be given on the preference form and this may be checked by a relevant officers. A letter in support from a senior health care or social care professional will be required as evidence when the preference form is submitted with a statement on why the Academy is the only educational placement appropriate for the child's needs.
- c) **Siblings** - Children who have a brother or sister (including a half-brothers or sisters or step brothers or step sisters living in the same household) on roll at the time of their entry to the University Academy Birkenhead and of statutory school age.  
("sibling" is defined as a full or half brother or sister; a step brother or sister; an adoptive brother or sister, the children of parents/carers living together in the same family household).
- d) **Distance** - Priority will be given to those children who live nearest to the Academy. A computer mapping system based on Ordnance Survey maps will be used to measure the distance from the child's home\* to the Academy

gate<sup>2</sup> using the shortest road route, unless it is possible to use a footpath which is considered as a safe walking route.

- \* A child's home is deemed as the permanent address which (s)he lives with a person of parental responsibility as the main carer (as defined by the Children's Act 1989). Where a child spends time with more than one parent the place of residence of the parent/carer who receives Child Benefit will be deemed to be the child's home.

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 (under section 22(1) of the Children Act 1989). A previously looked after child is one who immediately moved on from that status after becoming subject to an adoption, residence or special guardianship order.

In the event of a tie in any of the above categories, the Clerk to the Governors, supervised by an independent scrutineer, will draw names out of a hat.

### **Operation of waiting lists**

41. Subject to any provisions regarding waiting lists in the LA's co-ordinated admission scheme, the Academy will operate a waiting list for each year group. Where in any year the University of Birkenhead receives more applications for places than there are places available, a waiting list will operate until the end of the autumn term. This will be maintained by the Academy Trust and it will be open to any parent to ask for his or her child's name to be placed on the waiting list, following an unsuccessful application.
42. Children's position on the waiting list will be determined solely in accordance with the oversubscription criteria set out in paragraph 38 and 39 above. Where places become vacant they will be allocated to children on the waiting list in accordance with the oversubscription criteria.

### **Arrangements for Admitting Pupils to Other Year Groups, including to replace any Pupils who have Left the University Academy Birkenhead.**

43. From 2011-2012 local authorities will co-ordinate admissions for in-year applications and for applications for year groups other than the normal point(s) of entry. This will not affect Academies' right to determine which applicants have priority for admission.
44. 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 Trust will consider all such applications and if the year group applied for has a place available, admit the child unless one of the permitted reliefs apply. If more applications are received than there are places available, the oversubscription criteria in paragraph 38 shall apply. Parents/carers whose application is turned down shall be entitled to appeal.

### **Arrangements for Admission of Pupils as the University Academy Birkenhead Builds to its Full Capacity**

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<sup>2</sup> Gates will be designated on both sites prior to the new building being completed and therefore the nearest distance to either gate will be deemed the shortest distance.



45. The University Academy Birkenhead opened on 1 January 2011 with a Published Admission Number relating solely to pupils in Year 7. Pupils in subsequent years will have been transferred automatically from the predecessor schools, Park High School and Rock Ferry High School, closed on 31 December 2010.
46. Admission to Year groups without a Published Admission Number will be based upon the size of teaching groups already existing in the University Academy Birkenhead and the efficient use of resources.
47. There will be a right of appeal to an Independent Appeal Panel for unsuccessful applicants.