

TORBAY COUNCIL

CO-ORDINATED IN YEAR ADMISSION SCHEME

2022-2023

CONTENTS

TOPIC	PAGE
Introduction	2
What is an in-year admission?	2
Who processes in-year admission applications?	2
How do parents apply in-year?	3
What are the rules if a child lives abroad?	3
What if a child has special educational needs or a disability (SEND)?	4
How does the admission process work?	4
What is the Fair Access Protocol?	5
What are the timelines?	5
What happens regarding withdrawing a School Place Offer & Fraudulent Applications?	6
What happens with duplicate and disputed applications?	6
How does the waiting list work?	6
How do parents appeal?	7

Introduction

This scheme has been developed in consultation with schools and admission authorities who want to work together to provide a co-ordinated in year application process to enable children to enter schools in Torbay. The Torbay Council School Admissions Team demonstrates and work towards the agreed Core Values and is committed to being forward thinking, people orientated and adaptable – always with integrity.

Where the word 'parent' is used in this document, it also includes other people in the role of parent e.g. guardians or carers who have parental responsibility for a child needing a school place.

Schools do not have to participate in a joint scheme. Some schools in Torbay have chosen not to participate in this scheme. The participating schools are listed on the admission application form and in the parental guidance booklet TIPS4.

We may update this scheme after we have published it to comply with any changes to the School Admissions Code. It is also proposed to add priority for children who appear to have been adopted from state care overseas. This is in response to proposed changes to the School Admissions Code which may come into force before or after the policy is determined. There is also a proposal under the School Admissions Code which gives changes in where the timescale for schools to inform the LA of their numbers on roll and provide decisions on in year admissions to 10 days.

This scheme is only for parents wanting places for their child in a primary school or a secondary school up to and including Year 11. Parents of nursery-aged children and post-16 applicants should contact the preferred school or setting directly.

What is an in-year admission?

The normal points of transition in Torbay are from nursery to primary school at age 4 and from primary to secondary school at age 11. In some parts of the country children normally change school at age 7 (primary to junior) or age 8 (first to middle) or age 12 (middle to upper). These are 'normal' because all children move school at the same time.

In-year admissions are when children start at a school at any other time. This might be in September at the start of a new school year or during a school year. In year admissions are sometimes called mid-phase or casual admissions.

Who processes in-year admission applications?

Torbay Council (the local authority or 'LA') processes in-year admission applications for all mainstream schools in Torbay that are part of the joint scheme. The other mainstream schools in Torbay process their own admissions and parents have to apply to them directly. Parents who live outside of Torbay but would like their child to attend a Torbay school can apply to Torbay schools in the same ways as parents who are living in Torbay.

If a parent who lives in Torbay wants to send their child to a school outside of Torbay they will need to contact the LA where the school is based to find out about their in-year admission process. Torbay LA will help carers/social workers who want to apply for a place in another LA for a child who is in public care.

There is a separate application process for Torbay parents wanting to send their child to a special school or a special unit within a mainstream school. These parents should contact Torbay Council's SEND team on 01803 208274 or email send@torbay.gov.uk .

The LA does not get involved in the processing of applications for South Devon High School or for independent schools. Parents should contact them directly.

How do parents apply in-year?

The person applying must have parental responsibility for the child who needs a school place.

There are two common application forms: TIPS4/A and TIPS4/B. Form TIPS4/A is a form provided by the LA for parents to use to apply directly to schools not taking part in the joint scheme. These schools may also have their own admission forms. More details about their application process can be found in their admission arrangements on the school's web site.

Form TIPS4/B is for parents to apply for places in schools taking part in the joint scheme. The schools taking part are listed on the front of the application form. The rest of this section relates to applications for these schools. Parents will be able to list up to 3 schools in order of preference. They will be able to give reasons for their preferences. There will also be an opportunity for parents to provide additional information if they think this would help the LA to place their child at a school. The LA will probably pass on this information to schools considering an application for a place at their school.

The Common Application Form will be available to complete electronically via the council's website: www.torbay.gov.uk . It will be accompanied by a summary of the key points of this scheme in the composite prospectus called TIPS 4. The most up to date version of TIPS4 will be published on the web site. Paper copies of the form will also be available from Student Services, tel: 01803 208908.

Some schools have supplementary information forms for parents who want their child to be prioritised for admission at the school on particular grounds, e.g. some schools prioritise faith; some prioritise children of members of staff and some prioritise children who have an exceptional social medical need. Parents can choose whether or not to complete one of these forms. If they do, they must send the form directly to the school. The forms are on the council's web site. Even if parents complete one or more of these forms, they must still complete a form TIPS4/B as well.

If a parent sends an admission application form directly to a school in the scheme, they will pass it on to the LA to process. This will enable the LA to make sure that any other schools applied for can be sent the correct information, and that parents can have their child's name added to waiting lists as needed.

What are the rules if a child lives abroad?

The Local Authority must not refuse to admit a child on the basis of their nationality or immigration status nor remove them from roll on this basis. The local authority should not refuse an application made from overseas (or from Scotland, Wales, Northern Ireland, the Isle of Man or the Channel Islands), on the grounds that the applicant does not currently live in its area. Parents should apply in the same way as other parents of children who already live in the area. The LA will allocate places according to current government guidance. Generally parents will need to provide a photocopy of a passport including a valid visa or other document allowing for entry into the United Kingdom/ or documentation showing that the child is living in the United Kingdom and is entitled to live in the United Kingdom. No place will be given that conflicts with the requirements of UK Border Agency.

What if a child has special educational needs or a disability (SEND)?

If a parent has a child with an Education, Health & Care Plan (EHCP) or if they are seeking an assessment placement in a special unit or special school, they should contact Torbay's SEND team before they complete an application form: send@torbay.gov.uk . Otherwise they should apply on one of Torbay's common application forms.

Where children have an EHCP the LA's Special Educational Needs and Disabilities team will follow the SEND Code of Practice. Parents will still be invited to express a preference for a school. The LA will then consult with the preferred school. The LA expects that the school will be named on the Education, Health and Care Plan and the pupil will be given a place at the school unless the school cannot meet the child's needs, or the admission would be a good use of resources.

How does the admission process work?

Torbay LA will forward details of applications received to all admitting authorities each week and normally on the day they arrive. The LA will not pass on information about parental ranking. Details will also be passed to schools where the LA is the admitting authority.

The LA will ask for proof of address before offering a place if a school in the joint scheme is oversubscribed. If a pupil is moving but is entitled to a place based on their current address then it will be offered. Exceptions may be made in extreme circumstances e.g. where a family is fleeing domestic violence. The LA will decide if the circumstances are exceptional. A new address will not be used for prioritising against a school's oversubscription criteria until the LA or the admitting authority has seen evidence of that address (tenancy agreement, exchange of contracts, utility bill or benefits/tax credit evidence).

Where concerns are raised that a parent has given an address that is fraudulent or misleading, the LA or the admission authority may ask the parent for more information and a visit may be made to the address to establish whether it is genuine. If the address is found to be fraudulent the admission authority may decide to remove the place that has been offered. The admission authority will take into account the length of time the child has been attending the school and whether a child would have been entitled to a place if the parent had given the correct information.

When a school is sent an application form, within one week the school will tell the LA whether or not they would be willing to accept the child and whether or not there are any places. If there are more children than places, the admitting authority will rank the children against the oversubscription criteria for the school to see who takes highest priority. Where more than one of the preferred schools can offer a place, the LA will offer the place at the school ranked highest by the parent. The LA, not the school, will make the offer to the parent. Once the parent has accepted the offer the school will liaise with the parent about the start date.

Every application should receive a reply within 4 weeks (other than during holiday periods) and most will be sooner. One exception to this is where a school refers an application to the Pupil Referral Panel under the [Fair Access Protocol](#). Parents will be notified if this is the case.

Each day will be treated as a separate application period. This means that all applications received on the same day will be treated equally. If there are places available on the day an application is received, it will be processed before an application received the following day.

Every week during term time primary and secondary schools will tell the LA the numbers on roll in each year group so that the LA can advise parents about vacancies.

Where there is no place at any of a parent's preferred schools, the LA will either

- a) offer to allocate a child to the nearest suitable school within Torbay with places available taking into account distance, travel time and transport costs or
- b) advise the parent to apply for a place in a non-participating school if this is nearer.

The LA will send parents an email or letter telling them about the allocated school place. The email/letter will inform parents:

- Which school their child has been allocated
- Why their child has not been allocated a place at other preferred schools
- Details of the appeals procedure if their preference(s) cannot be met

Applicants who want their child to be admitted outside of the normal year group should make this clear on the application form, giving full reasons for the request. The admission authority and the head teacher will consider the request. If the admission authority refuses the request, they will give the reasons for this. Parents will have a right of appeal unless the admission authority can offer a place at the school in the correct year group. These applications may take longer than 4 weeks to process, depending on the information provided with the application.

What is the Fair Access Protocol?

Torbay Council has a Fair Access Protocol to manage the admission of vulnerable pupils who cannot get a school place through the usual admission process. This may be where a child has been permanently excluded, for example, or where a school believes they cannot meet a pupil's needs due to their challenging behaviour. Schools may refer these applications to Torbay's Pupil Referral Panel. This is a panel of school leaders and senior LA officers who discuss the applications individually and decide what is in the best interests of the child or young person. The panel meets fortnightly during term time. You can see the protocol on the council's website at www.torbay.gov.uk.

Children with an Education, Health & Care Plan are not covered by the Fair Access Protocol.

What are the timelines?

Parents are entitled to ask for a change of school at any time during the year but the change of school will not normally take place until the beginning of the next half-term unless:

- The child is moving to Torbay from another local authority area
- The child is moving within Torbay to a new address served by a different primary or secondary school where the current school is not within a reasonable distance
- The child is in year 10 or year 11 and for academic reasons it is best that the admission takes place immediately
- There are significant medical or social reasons, supported by professionals or the head of the current school, why the transfer should take place immediately
- A child is taken into public care and the application is supported by a social worker
- The heads of both the current and receiving school agree that an immediate transfer is in the best interests of the child

Parents must accept the school place within ten school days of the date of the offer. The latest agreed start date will not be more than four school weeks from the offer date or the start of the next half term, whichever is later. The school will only hold the place open for the child for ten school days from the agreed start date.

If the child does not attend on the agreed start date, the school will make contact to find out what the problem is. If the child is sick, the parent must send a medical certificate from the doctor for the school to keep the place open beyond the 10th day.

If the ten day deadline is reached and the child has not started at the school, the LA will write to the parent to tell them that the place will be withdrawn unless the parent makes immediate contact and has a good reason for the child's absence from the school.

What happens regarding withdrawing a School Place Offer & Fraudulent Applications

An offer will only be withdrawn if 1) it was based on an application that was fraudulent or deliberately misleading. 2) it was made in error 3) it was made by someone who did not have authority to offer a school place. 4) a parent (having been issued with reminders from the school or admissions team and made aware of the consequences) failed to accept their school place within ten days of the final reminder. This included failure to respond to contact from the school regarding transition arrangements.

What happens with duplicate and disputed applications?

Where more than one parent applies for a school place for a child and different schools are requested, or the same schools but in a different order, the LA will contact both parents and ask them to reach agreement on the preferred schools and the order of preference.

Parents' applications are subject to Data Protection legislation and LA will not share the content of an application with a third party without the agreement of the person completing the application unless there is a legal requirement or reason to do so. The LA will however inform another person with parental responsibility that an application has been made and pass on the schools named as preferences if asked to do so. The LA will first check with the person who made the application whether there is any legal reason not to disclose this information.

Where no agreement can be reached by parents, places may be offered at two schools and one offer will be removed when the child is physically admitted to the other school as a child cannot have two school places. Parents will be asked to settle their disputes if at all possible as uncertainty can be upsetting for the child.

How does the waiting list work?

Admission authorities must keep waiting lists for at least the autumn term in both year 7 and in reception year. The LA will maintain a waiting list on behalf of all schools participating in this scheme for all year groups. The LA will put new applications on the waiting list if a preferred school is full. Schools must notify the LA if a place becomes available. All the children on the waiting list at that date will then be re-ranked according to the oversubscription criteria. The LA will contact parents of the child at the top of the list to offer the place and invite them to accept it.

Parents wanting to keep their child on the waiting list must email or write to the LA before the start of each half term to keep their child on the waiting list for that half term. Otherwise their name will be removed. For children in Reception and year 7, parents wanting to keep their child's name on the waiting list after the autumn term will need to complete an in year application form to continue on the waiting list from January. All parents will need to complete

a new application form for their child to continue on the waiting list in the following academic year unless they have completed a form on or after 1 June. This is to ensure that the council has up to date information on which to make decisions about priority for school places.

How do parents appeal?

A parent will have the right of appeal for a place at any school they have been refused. The appeal will be heard by an independent appeals panel. More information about this process is available at www.torbay.gov.uk . Parents also have the right to go to the Ombudsman if they are dissatisfied with the way an appeal has been handled.