



# Mayfield House School

## Admissions Policy

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## Statement of intent

At **Mayfield House School**, we welcome all pupils, and places at the school are offered in an open and fair way. Our admissions process is delivered in line with the Equality Act 2010, the School Admissions Code, the School Admission Appeals Code, the Human Rights Act 1998 and the School Standards and Framework Act 1998.

The number of places available is determined by the capacity of the school, and is called the 'agreed admissions number'. Our published admissions number (**PAN**) is **16**

The table below sets out who the admission authority is and other responsible bodies in our school.

Type of school	Who is the admission authority?	Who deals with complaints about arrangements?	Who is responsible for arranging/providing for an appeal against refusal of a place at the school?
Independent school	Governing board	Schools Adjudicator	Governing board

Signed:

\_\_\_\_\_ Headteacher Date: \_\_\_\_\_  
\_\_\_\_\_ Chair of governors Date: \_\_\_\_\_

## 1. Legal framework

1.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- **Equality Act 2010**
- **Human Rights Act 1998**
- **School Standards and Framework Act 1998**
- **DfE (2014) 'School Admissions Code'**
- **DfE (2012) 'School Admission Appeals Code'**
- **The Education (Independent School Standards) Regulations 2014**

1.2. This policy operates in conjunction with the following school policies:

- **Equal Opportunities Policy**
- **Data Protection Policy**

## 2. Roles and responsibilities

2.1. The admission authority is responsible for:

- **Acting in accordance with the relevant legislation and guidance when carrying out the overall admission of pupils into the school.**
- **Outlining the school's admissions arrangements and publishing them on the schools website.**
- **Clearly communicating any reasons for rejecting the admission of a pupil, as well as the parent's right to appeal and the appeal process.**
- **Implementing any advice or recommendations given by the Schools Adjudicator without undue delay.**
- **Determining the admission arrangements on an annual basis and publicly consulting stakeholders on any proposed changes to the admission arrangements.**
- **Setting clear, fair and effective oversubscription criteria which do not discriminate against any pupil.**
- **Communicating oversubscription criteria clearly to parents.**
- **Notifying the LA of any in-year admissions and their outcomes.**

2.2. The Schools Adjudicator is responsible for:

- **Acting in line with the relevant legislation and guidance pertaining to admissions.**

- **Receiving concerns and objections regarding the admission of pupils and making recommendations to the admission authority as a result of these concerns and objections.**
- **Approving variations to determined admissions arrangements where there has been a major change in circumstances or law.**

2.3. The appeals clerk is responsible for:

- **Having an in-depth knowledge of the relevant appeals codes and other relevant law.**
- **Providing an independent and impartial service for admission appeals.**
- **Making the necessary administrative arrangements for hearings.**
- **Notifying all parties of the order of proceedings in advance of an appeals hearing.**
- **Responding to queries from appellants in advance of an appeals hearing or identifying who will be appropriate to respond.**
- **Being an independent source of advice on procedure and admissions law.**
- **Keeping accurate records of proceedings and providing written notification of the appeals panel's decisions.**

### **3. Determining a PAN**

- 3.1. The number of places available is determined by the capacity of the school.
- 3.2. The PAN for new pupils is 16..
- 3.3. The admission authority will notify the LA of their intention to increase the school's PAN and reference the changes on the school's website.
- 3.4. The admission authority will consult on any proposal to decrease the school's PAN – consultation will not occur where it is proposed to increase or keep the same PAN.
- 3.5. If the admission authority can accept more pupils than the PAN, it will notify the LA in good time so that the LA can deliver their coordination responsibilities effectively.

### **4. Oversubscription criteria**

- 4.1. In the event of there being an oversubscription of applicants to the school, the following oversubscription criteria for each relevant age group will be applied:
  - **CLA and previously CLA (PCLA) will be given priority over non-CLA or non-CLA children**

- 4.2. The school will accept all pupils who name the school in their EHC plan.
- 4.3. If it is unclear whether a child meets the oversubscription criteria, the admission authority may request proof of address. This proof will not include any of the information detailed in [5.6](#) of this policy.
- 4.4. When formulating their admission arrangements, the admission authority will not:
- Place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.
  - Take into account any previous schools attended.
  - Give priority to children whose parents rank preferred schools in their application.
  - Introduce any new selection by ability.
  - Give priority to children based on any practical or financial support their parents give to the school or associated parties.
  - Give priority to children according to the occupational, marital, financial or educational status of parents applying – apart from where these factors determine a child’s pupil premium eligibility, and for children whose parents work at school.
  - Take account of reports from previous schools about children’s past behaviour, attendance, attitude or achievement, or that of any other children in the family.
  - Discriminate against any protected characteristic.
  - Give priority based on a child’s or their parents’ past or present hobbies or activities.
  - Name fee-paying independent schools as feeder schools.
  - Interview children or parents.
  - Request financial contributions as part of the admissions process.

#### **Catchment areas**

- 4.5. The school will accept pupils from outside the catchment area.

#### **Siblings of pupils and children of staff**

- 4.6. For the purpose of this policy, “sibling” is defined as any brother or sister related by **blood or marriage and any fostered or adopted siblings**.

#### **Equal opportunities**

- 4.7. The school will not establish admissions criteria that excludes individuals with a particular protected characteristic.
- 4.8. The admissions criteria will not exclude a greater proportion of pupils with particular protected characteristics, unless the school can justify how this is a proportionate means of achieving a legitimate aim.

- 4.9. The admissions criteria will not discriminate against disabled applicants, unless the school can justify how this is a proportionate means of achieving a legitimate aim

#### **Admissions procedures**

- 4.10. The school will offer open events and school visits to all potential applicants, irrespective of any protected characteristics. Where necessary, the school will make reasonable adjustments for disabled applicants or disabled parents.
- 4.11. The school may assess its ability to cater to the applicant's needs by:
- **Inviting the applicant to attend the school for half a day**
  - **Visiting the applicant's home**
  - **Visiting the applicant's current education provision**

#### **Consultation and determination**

- 4.12. The admission authority will consult on any proposed changes to the admissions arrangements.
- 4.13. Consultation will last for a minimum of six weeks and will take place between 1 October and 31 January in the determination year.
- 4.14. The admission authority will consult on admissions arrangements at least once every seven years, even if no changes have been made in that time.
- 4.15. The admission authority will consult with the following:
- Parents of all pupils
  - Stakeholders
  - Other admission authorities within the relevant area
  - The governing board and the LA who are not the admission authority
- 4.16. The admission authority will publish a copy of the full proposed admission arrangements and the contact details of the individual responsible for admissions liaison on the **school website**.
- 4.17. A copy of the proposed admission arrangements will be made available upon request.
- 4.18. Admission arrangements will be determined by 28 February in the determination year on an annual basis, even when no changes to the arrangements have been made.
- 4.19. Finalised admission arrangements will be published on the school website.
- 4.20. Any objections to the admission arrangements will be directed to the Adjudicator by 15 May in the determination year.

## **5. Applications and offers**

- 5.1. Parents will need to approach their local SEND or Social work team. To register their interest
- 5.2. Admissions are welcome from children with EHC Plans or identified and evidenced behaviours/aniexties that affect day to day learning.
- 5.3. Mayfield House School will receive an initial enquiry from a parent or local authority
- 5.4. Referrals will be considered by Mayfield House School
- 5.5. Pupils and Familys are welcome to visit the school
- 5.6. Discussions will be held with the Local Authority
- 5.7. If applicable a permanent place will be offered.
- 5.8. A personal transition plan will be planned.
- 5.9. If for any reason a place can not be offered, letters detailing the reasons why will be sent to the parents.

## **6. Admissions appeals**

- 6.1. When informing a parent of their unsuccessful admissions application, a letter will be sent which includes the reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal.
- 6.2. Parents will be informed in the letter that, if they wish to appeal, they must make the appeal in writing.
- 6.3. Grounds for appeal are not limited.
- 6.4. The school will ensure any appeals made on the grounds of discrimination against disability will be handled by a tribunal.

### **Constitution of appeals panels**

- 6.5. The admission authority and the appeals panel will act in accordance with all relevant legislation and guidance.
- 6.6. The judicial function of the appeals panel will be transparent, accessible, independent and impartial, and will operate in accordance with the principles of natural justice.
- 6.7. A clerk will be appointed to the appeals panel who is independent of the school and the education functions of the LA.



- 6.8. The appeals panel will comprise a chair and at least two other panel members. The panel will also include at least one lay person and a person who has experience in education.
- 6.9. The chair of the appeals panel is responsible for the conduct of the hearing, including introducing parties, explaining individual roles and how the hearing will be conducted, and ensuring that parties have sufficient opportunity to state their case and ask questions.
- 6.10. Panel members will be independent from the school and will remain independent for the duration of their service.
- 6.11. The clerk is responsible for assigning members of the appeals panel; however, they will not assign the following disqualified persons:
- **A member of the LA which is the admission authority or in whose area the school is located**
  - **A member or former member of the governing board of the school**
  - **An employee at the LA or governing board of the school, other than a teacher or TA**
  - **Any person who has, or at any time has had, any connection with the admission authority, school or LA who may not act impartially**
  - **Any person who has not attended training required by the admission authority arranging the appeals panel**
- 6.12. There will be three members of the panel available at all times during the appeals process. If any member has to temporarily withdraw, the hearing will be postponed until the panel member returns. If the panel member is unable to return, they will be replaced, and the appeals will be reheard.
- 6.13. Appropriate training will be given, funded by the admission authority, to all panel members and clerks before they take part in a panel hearing. As a minimum, this training will include:
- **The law relating to admissions.**
  - **The panel's duties under the Human Rights Act 1998 and the Equality Act 2010.**
  - **Procedural fairness and natural justice.**
  - **The roles of specific panel members, e.g. the chair.**
- 6.14. Members of the appeals panel will receive travel and subsistence allowances where applicable, and will be compensated for any loss of earnings or expenses.

- 6.15. The appeals panel must not have a vested interest in the outcome of the hearing.
- 6.16. The admission authority will indemnify the members of the appeals panel against any legal costs and expenses they incur in connection with any decision taken in good faith whilst acting as a member of the appeals panel.

### **Appeals hearings**

- 6.17. The admission authority will publish an appeals timetable on their website by 28 February each year. The timetable will comply with section three of the 'School Admission Appeals Code'.
- 6.18. Appeals will be lodged and heard for the normal admissions round within 40 school days of the deadline for lodging appeals.
- 6.19. For late applications, appeals will be heard between 30-40 school days of the appeal being lodged.
- 6.20. For in year admissions, appeals will be heard within 30 days of the appeal being lodged.
- 6.21. Admission authorities will provide appellants with written notification of the date and all final arrangements of the appeal hearing, including a deadline for the submission of any further evidence that was not sent in the original appeal.
- 6.22. The admission authority will comply with any request for information to help parents prepare their case for the appeals hearing.
- 6.23. All evidence relating to the appeal hearing will be passed on to the clerk, including the admission process, reasons for the decision and how the admission would cause prejudice to the education provision of the school.
- 6.24. The clerk will send all the papers required for the hearing to both parties and the members of the panel **seven** days before the hearing.
- 6.25. The presenting officer will be responsible for relaying to the attendees the decision not to admit the child, and answer questions where necessary.
- 6.26. Appellants may attend in person or be represented by another individual. Where appellants cannot attend, a decision will be made based on the written evidence.
- 6.27. Appeal hearings must be private and held in an accessible location. The order of the appeals will be:
  - **Case for the admission authority.**
  - **Questioning by the appellant(s) and panel.**
  - **Case for the appellant(s).**
  - **Questioning by the admission authority and panel.**

- **Summing up by the admission authority.**
- **Summing up by the appellant(s).**

- 6.28. Multiple appeals will be heard, either individually or in groups, by the same appeals panel where appropriate.
- 6.29. Notes of the hearing will be made and kept securely by the admission authority for a minimum of two years. These notes are, in most cases, exempt from disclosure under the Freedom of Information Act 2000 and the Data Protection Act 2018.

### **Reaching a decision**

- 6.30. When reaching a decision, the admission authority will have due regard to section three of the 'School Admission Appeals Code'.
- 6.31. Appeals decisions will either be upheld or dismissed – there will be no conditional decisions made, in line with section 94(6) of the School Standards and Framework Act 1998.
- 6.32. The final decision will be decided by a simple majority. If votes are split equally, the chair will make the casting vote.
- 6.33. The final decision and accompanying reasons will be communicated in writing to the appellant, admission authority and the LA.
- 6.34. The decision letter will be signed by the clerk or chair of the appeals panel and sent no later than five school days after the decision has been made.
- 6.35. If a child has been refused admissions due to any SEND, this will be considered by the First-tier Tribunal (SEND) and not the appeals panel.

### **Complaints**

- 6.36. Appellants do not have the right to more than one appeal in respect of the school for the same academic year unless, in exceptional circumstances, the admission authority has accepted a second application from the appellant due to a material change in the circumstances of the parent, child or school but still refused admission.
- 6.37. Appellants can apply for a place at the school for a different academic year.
- 6.38. If appellants have an issue with the appeal process, they can complain to the school directly.

## **7. Monitoring and review**

- 7.1. This policy will be reviewed by the **governing board** on an **annual** basis.
- 7.2. Any changes to this policy will be communicated to all staff and other interested parties.

7.3. The next scheduled review date for this policy is **25 February 2021**.

# **Admissions Arrangements and Appeals During the Coronavirus (COVID-19) Pandemic**

## **Statement of intent**

During this difficult period, we are committed to fulfilling our statutory duties without disruption – this includes taking steps to ensure our admission appeals procedure can continue.

In accordance with the government's emergency regulations, which temporarily revise the relevant regulations, the school has made the necessary amendments to our Admissions Policy. This appendix outlines how the school manages admissions appeals during the coronavirus (COVID-19) pandemic, in line with the government's new guidance.

The information in this appendix will be reviewed regularly to ensure any local and national updates and information from the government can be reflected accordingly.

## **1. Legal framework**

1.1. This policy has due regard to all relevant statutory guidance and legislation, including, but not limited to:

- School Admissions (England) (Coronavirus) (Appeals Arrangements (Amendment) Regulations 2021
- DfE (2012) 'School Admission Appeals Code'
- DfE (2021) 'Changes to school admission appeals due to coronavirus'
- DfE (2021) 'Changes to the admission appeals regulations during the coronavirus outbreak'

## **2. Application of these arrangements**

2.1. The admission authority will ensure the appeals panel understands the temporary regulations and how the chosen process will work, e.g. by telephone or video conference.

2.2. The temporary regulations will apply until 30 September 2021, and apply to any appeals lodged between 31 January 2021 and 30 September 2021.

2.3. Once the temporary regulations cease to apply, the school will revert to implementing the procedures in the main body of this Admissions Policy.

2.4. Appeals lodged before 30 September 2021, but that are heard after this date, will not be prejudiced by the expiry of the temporary regulations.

## **3. Appeals**

3.1. The admission authority will prepare for appeals to be conducted in the normal way after the end of September 2021, and the relevant timetables for 2021 and 2022 will be prepared in the normal way and published by 28 February of the relevant year.

- 3.2. When the admission authority informs a parent of a decision to refuse their child a place, the admission authority will include the following information:
  - The reason why admission was refused
  - Information about the right to appeal
  - The deadline and contact details needed to make an appeal
  - That parents will need to set out their grounds for appeal in writing
- 3.3. The deadline for lodging an appeal will be at least 28 calendar days from the date the notification of refusal was sent to the parent.
- 3.4. All deadlines for the hearing of appeals will be heard as soon as reasonably practicable.
- 3.5. Appeal deadlines have been amended to allow appellants (parents) more time to lodge an appeal – these updated deadlines are:
  - 28 calendar days' written notice of a new appeal deadline.
  - 14 calendar days' written notice of an appeal hearing (although appellants can waive their right to this).
- 3.6. Where possible, decision letters will be sent within 7 calendar days of the hearing.

#### **4. Membership of the appeals panel**

- 4.1. During the pandemic, members of the appeals panel will only be appointed if they have, or can be provided with, the necessary equipment and facilities.
- 4.2. Admissions panels are made up of at least three people. In the event a member of the panel has to withdraw due to the coronavirus, e.g. they are required to self-isolate, the remaining two members will continue to consider and determine the outcome of the appeal regardless of their background.
- 4.3. If a panel member withdraws, the clerk will make a note of the reasons for their withdrawal in the record of the proceedings.
- 4.4. If the chair of the appeals panel withdraws, the admission authority or clerk (on behalf of the admission authority) will appoint a new chair from the existing appeals panel.
- 4.5. In the event that more than one member of the panel withdraws and leaves only one member, new panel members will be appointed so that the panel is constituted in the normal way. Where this has happened, any part-heard appeals will be reheard.

##### **Training of the panel**

- 4.6. Where it is not possible for panel members to undergo full training, e.g. if it is delivered in face-to-face sessions, the admission authority will find alternative

ways of ensuring training can be completed in accordance with section 1.10 of the 'School Admission Appeals Code'.

- 4.7. The admission authority will ensure the panel and clerk have a full understanding of the temporary regulations and how the new process will work.

## 5. Appeals hearings

- 5.1. The chair of the appeals panel will ensure that all appeals, whether conducted remotely or not, are private, that all parties can hear everything that is said, and that all parties have an equal chance to participate.
- 5.2. Appeal hearings will be conducted via telephone or video conference or, where this is not possible, they will be conducted entirely based on written submissions.
- 5.3. Appeals panels can only hold appeals hearings remotely if they are satisfied the following criteria are met:
  - The parties will be able to present their cases fully
  - Each participant has access to video or telephone facilities allowing them to engage in the hearing at all times
  - The appeal hearing can be heard fairly and transparently
- 5.4. The clerk to the appeals panel will contact appellants as soon as possible after receiving their appeal to explain the temporary arrangements in place – where possible, the clerk will contact the appellant by phone.
- 5.5. Before appeals are conducted via video conferencing software, the **chair of the appeals panel** will consult the **ICT technician** regarding the security and privacy terms and conditions of the platforms being used. All necessary security features will be utilised before appeals take place.
- 5.6. If the officer presenting the case for refusing the admission does not attend the meeting, the appeals panel will consider the case using the evidence submitted by the admission authority so long as the panel is satisfied that doing so will not disadvantage the appellant.
- 5.7. In the event that the appellant does not participate in the meeting, and it is impractical to rearrange, the appeals panel will review the written information submitted.
- 5.8. Appellants will retain the right to be represented or accompanied by a friend even during a remote hearing.
- 5.9. Where necessary, reasonable adjustments will be made in accordance with the Equality Act 2010. The clerk is responsible for recording all requests for reasonable adjustments as part of the appeal record.

## **6. Appeals decided on written submissions only**

6.1. The following process will be used to when making a decision on an appeal on the basis of written submissions only:

- The clerk will contact the appellant and presenting officer in line with the appeals timetable. The presenting officer should be provided with a copy of the appeal lodged and asked to submit the admission authority's evidence – the appellant should be given the opportunity to submit additional evidence in writing (preferably email) if they wish.
- The panel and clerk should meet remotely, e.g. by telephone, to formulate questions for the appellant and presenting officer.
- The clerk sends the questions and all relevant documents to each of the parties, e.g. the appellant receives the presenting officer's submission and vice versa.
- The appellant and presenting officer should reply to all the questions and add any additional points they wish to make. Once these answers have been sent back to the clerk, the clerk will send them on to the other party. Any information not submitted by the relevant deadline may not be considered.
- The panel meets remotely to discuss the answers and considers all the information in order to reach their decision.

## **7. Appeals by the governing board against LA decisions to admit twice-excluded children**

7.1. The governing board will make appeals in writing against LA decisions to admit twice-excluded children within 21 calendar days after the day it is given notice of the decision.

7.2. Appeals by the governing board will be heard remotely where necessary.

## **8. Maladministration complaints**

8.1. If a parent believes they have evidence of maladministration, their complaint will be heard in line with the normal procedures and section 5 of the 'School Admission Appeals Code'.

## **9. Monitoring and review**

9.1. To ensure it remains up-to-date, this policy will be reviewed by guidance.

9.2. Any amendments made will be communicated to all relevant stakeholders.

9.3. An electronic version of the updated policy will be made available on the school's website.