

## **Admissions Policy & Procedures**

### **Based on the Leicestershire County Council Model Policy**

(Affecting First Time Admissions for entry Autumn 2024 and mid-term transfers from Autumn 2024 onwards)

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## Useful Definitions

The Council / LCC: refers to Leicestershire County Council

The School: refers to Donisthorpe Primary School

PAN: Published Admission Number

Code: School Admissions Code (sept 2021)

FCDO: Foreign, Commonwealth & Development Office

UKVi: UK Visa and Immigration

DIT: Department of International Trade

Crown Servant: A person employed by the Crown – Officers employed by departments of the United Kingdom Government, such as FCDO, UKVi, DIT

FAP: Fair Access Protocol

CAF: Common Admissions Form

Maintained schools and Voluntary Controlled (VC): Schools under the control of the local authority

VA: Voluntary Aided Schools (under their own control)

Foundation Schools: Schools that control themselves

FTA: First Time Admissions

Infant School: 4+ to 7

Junior School: 7+ to 11

Primary School: 4+ to 11

Secondary School: 11+ to 16

National Closing/Offer Date(s): National dates to either submit the application, or to be informed of the outcome to the application

Leicestershire resident: A family that lives and pays council tax to a Leicestershire-district Council

Normal Admissions Round: A statutory transfer phase of either starting school or transferring school, i.e. to start infant/primary, to transfer from infant to junior school or transfer from primary/junior school to secondary school

## **1.0 Introduction**

- 1.1 The Governors are the admissions authority for Donisthorpe Primary School as it is an academy. The School adopts the LA model policy for admissions. This policy sets out the admission arrangements for this school. A list of schools to which the arrangements apply can be found at [Appendix A](#).
- 1.2 The policy sets out the application process for applications made at First Time Admission (for Reception year group), Infant to Junior transfers and for transfer at Year 7. It also sets out the admissions process for mid-term applications (i.e. applications made for other year groups).
- 1.3 The Council is responsible for coordinating first time admissions, secondary transfers, and infant to junior transfers for Donisthorpe Primary School. To this purpose it has two approved coordinated schemes: one for [first time admissions and infant to junior transfers](#); and one for [secondary transfers](#). It is also responsible for coordination of mid-term transfers to all maintained schools and for Academies that participate in Leicestershire's [mid-term coordination scheme](#).
- 1.4 The policy sets out how children will be admitted including the criteria (see section 8.0) that will be applied if there are more applications than places available at the school.
- 1.5 Some Academies use the services of the Council's Admissions team to process their applications. A list of these Academies can be found at [Appendix B](#). An Academy will have its own admissions policy and criteria for entry. (Donisthorpe Community Primary School chooses to continue to adopt the LA Admissions policy for this purpose).
- 1.6 For the purposes of this policy, parents and carers are collectively referred to as parents, which includes but is not limited to natural (biological) parents, those who have day-to-day care of a child and/or parental responsibility.
- 1.7 The School must ratify admission arrangements by 28<sup>th</sup> February each year, following a formal consultation where changes have been proposed.
- 1.8 Where any changes to admission arrangements are proposed, the School will undertake a minimum 6-week consultation period between 1<sup>st</sup> October and 31<sup>st</sup> January of the school year before those arrangements are to apply. The Code sets out who must be consulted, and this includes for example, parents of children between the ages of two and eighteen; other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions. Consultation is only required to take place every seven years if the admission arrangements have not changed since the previous consultation.
- 1.9 The Council and parents' duties and responsibilities
- 1.10 The Council has a duty to provide school places for all pupil's resident in its area. The Council achieves this within community and voluntary controlled schools by giving high priority to catchment area children and by allowing parental preference wherever possible. Parents have a right to express a preference for a school place.

- 1.11 Parents must ensure their children receive suitable full-time education by attendance at school or otherwise; they are not obliged to do this before the child has reached compulsory school age. Information about compulsory school age can be found below in section 4.0.

#### Relevant legislation and other information including definitions

The School and Leicestershire County Council comply with the regulations and legislation set out in the [School Admissions Code 2021](#) and the [School Admission Appeals Code 2012](#), including:

- Equality Act 2010
- Human Rights Act 1998
- School Standards and Framework Act 1998
- Overseas nationals entering the UK, who wish to apply for a state-funded school place, are advised to check that they have a right of abode (<https://www.gov.uk/right-of-abode>) or that the conditions of their immigration status otherwise permit access to a state-funded school before making an application for a school place.

#### Closing dates for applications

- Year 7 transfer applications must be submitted on or before 31<sup>st</sup> October.
- First time admission / infant to junior transfer applications must be submitted on or before 15<sup>th</sup> January.

#### National offer day

This is the day each year on which local authorities are required to send out the decisions for applications received on time.

- For secondary pupils, offers are sent out by the home local authority on 1<sup>st</sup> March.
- For primary pupils, offers are sent out by the home local authority on 16<sup>th</sup> April.

These dates are relevant to all on-time applications in the primary and secondary coordinated admissions rounds. If offer day falls on a non-working day, information will be sent on the next working day.

#### 1.12 The Published Admission Number (PAN)

[Please see link for all [published admission numbers](#)]

- 1.13 Admission authorities are required to set a PAN. This is the minimum number of places which must be offered in each relevant age group where the school will admit children for the first time (Reception at an infant/primary school, Year 3 at a junior/primary school, Year

7 at a secondary school).

- 1.14 The PAN only applies to the relevant age group i.e. Reception, Year 3 at junior transfer, or Year 7. The PAN does not apply to other years, known as mid-term admissions. Mid-term admissions may occur as a result of children moving into the area or changing school for other reasons.
- 1.15 The School may not refuse admission to other age groups on the grounds that they have already reached their PAN. It may, however, refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources.
- 1.16 The School sets an admission number that is published on or before the 15<sup>th</sup> March on their website.
- 1.17 The School will be subject to the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 which require that infant classes (Reception, Year 1 and 2) must not contain more than 30 pupils with a single qualified school teacher except in specific exceptional circumstances. These are set out in section 3.0 of this policy. If for example the PAN is 60 and 31 pupils apply, 31 pupils will be admitted, and the school will have to organise its classes to avoid breaching the Infant Class Size Regulations i.e. run two classes or vertically group.
- 1.18 Admission authorities must not refuse to admit a child on behavioural grounds in the normal admissions round or at any point in the normal year of entry, except for where paragraph 3.8 of the School Admissions Code 2021 applies, or when paragraph 3.10 applies. Where an admission authority receives a mid-term application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour, it may refuse admission (with access to an appeal) and refer the child to the Fair Access Protocol. The provision in paragraph 3.10 cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education, Health and Care Plans naming the school in question as stated at paragraph 3.12 of the 2021 Code.
- 1.19 When can the Council request that the PAN be exceeded
- 1.20 If a school wants to exceed its PAN in certain exceptional circumstances the school may request, that the PAN be exceeded.
- 1.21 For the avoidance of doubt, discretion to exceed the PAN shall rest solely with Governing Body of a school in liaison with the Headteacher and Council. In reaching any decision the views of interested parties, i.e. other local schools will be considered.
- 1.22 Parents will still submit their application in the usual manner. The Council will determine those applications in the following way:

- (a) Where the decision to increase the PAN is made before the National Offer Date, applications will be processed in the normal way with on-time applications being considered first and with places being offered in accordance with the priority criteria up to the increased PAN. If there are any places available after on-time applications have been processed, places will be offered to those late applications ranked according to the priority criteria;
- (b) Where the decision to increase the PAN is made after the National Offer Date, the Council will offer any additional places as per the priority on the waiting list up to the increased PAN alongside any further applications received;
- (c) Where the decision to increase the PAN is made at a time when no waiting list is being held, the Council will offer places on a first come, first served basis, up to the increased PAN.

1.23 Who can make an application for a school place?

1.24 Under normal circumstances, the person making the application must hold parental responsibility. The Council considers the parent to be:

- the mother of the child the father of the child where he was married to the mother either when the child was born or at a later date
- the father of the child if (since 1<sup>st</sup> December 2003) he was registered as the father on the birth certificate
- an adoptive parent
- any other person who has acquired 'parental responsibility' through the courts; evidence of this may be required
- authorisation may also be given for another person to speak on the parent's behalf.

1.25 If those with parental responsibility are unable to agree on the preferences received by Leicestershire County Council, or where a single address for the pupil for the purposes of applying for a school place cannot be agreed, Leicestershire County Council can suspend the applications from being processed. Parents will be advised to obtain further legal advice concerning which parent's application will be processed. Leicestershire County Council will then continue to process the application (following receipt of appropriate legal documentation).

1.26 In cases where multiple applications are received for the same child, parents will be reminded the Code only allows one address for the child for the purposes of applying for a school place.

1.27 Parents living outside Leicestershire seeking a school place in Leicestershire

1.28 Parents that do not live in Leicestershire but are seeking a school place at a school within Leicestershire can do so by applying through their home local authority. The home local authority is the area in which the child resides. Those applications will be forwarded to the Leicestershire County Council for processing. If parents are unclear as to their home local

authority it will be the local authority to which council tax is paid.

1.29 The home address

- 1.30 The child's place of residence is taken to be the parental home at which they normally reside, other than in the case of children fostered by a local authority, where either the parental address or that of a foster parent(s) may be used.
- 1.31 Where a family have equal split residency arrangements and the child resides either in the same school catchment or lives in two catchment areas, parents must prioritise one address. Informal arrangements between parents will not be taken into consideration.
- 1.32 Where a child lives for part of the week with one parent and for part of the week with the other parent, the address recognised by the Council for the purposes of an application for a school place is the one where the child lives for the majority of the week. That is the address where the child permanently spends at least three 'school' nights (i.e. Sunday, Monday, Tuesday, Wednesday or Thursday) will be taken to be the place of residence.
- 1.33 Where parents cannot agree a single address, they may need to seek legal advice (see paragraph 1.25 above).
- 1.34 Addresses of other relatives or friends will not be considered as the place of residence, even if the child stays there for all or part of the week. Evidence that the child's place of residence is permanent may also be sought and this should prove that the child lived at the address at the time of the application. Informal arrangements between parents will not be taken into consideration.
- 1.35 Children of UK Service Personnel and Crown Servants
- 1.36 It is the parent's responsibility to make sure the Council are informed of the family's Service or Crown Servant status.
- 1.37 It is important to note that the provisions of the School Admissions Code or Armed Forces Covenant, do not give automatic priority to Service children over other children or guarantee that Service children will get a place at a particular school.
- 1.38 For families of Service Personnel with a confirmed posting, or Crown Servants returning from overseas, the admission authority will:
- a) allocate a place in advance of the family arriving in the area (as long as one is available), provided the application is accompanied by an official letter that declares a relocation date. This must be an official government letter issued by a government department e.g. FCDO, UKVi, DIT. The Council will not refuse to process an application or refuse a place solely because the family do not yet have an intended address, or do not yet live in the area.
  - b) use the address at which the child will live when applying the oversubscription criteria, as long as the parents provide some evidence of their intended address. For example,



the Council will use a Unit or quartering address as the child's home address where a parent requests this.

- 1.39 Where a parent is unable to provide confirmation of a relocation address, they are advised to provide an indication of the area, narrowed down as far as possible, to which the family intend to return. Parents should keep admission authorities informed of any changes to the planned address during the application process and should note that without being able to provide any confirmation of a relocation address, an admission authority may not be able to allocate a place at a preferred school.
- 1.40 If vacancies exist, the Council will allocate a place at the preferred school to the family in advance of their move, even if they do not yet have a confirmed address. If schools are oversubscribed the Council need to be satisfied that place(s) is/are allocated lawfully (in accordance with the oversubscription criteria) and will expect to have some level of certainty about a family's intended new address, to ensure a place is allocated lawfully, for example, proof of exchange of contracts or a letting agreement.
- 1.41 Where Crown Servant families are returning to live in a property, they already own, evidence of ownership will be needed. The family will need to provide evidence by the relevant closing dates, to be included in the first allocation round (see paragraph 1.41 below).
- 1.42 Changing preferences after submitting the application form
- 1.43 Application forms for school places allow parents to express three preferences for school places. Parents should rank their preferences in order with 1 being highest and 3 being lowest. Where a place can be offered at more than one preference, only the highest preference will be offered. Applications will be prioritised according to the admissions criteria.
- 1.44 The closing dates are as follows:
- on or before the 15<sup>th</sup> January for First time admissions / Infant and Junior.
- 1.45 Parents may make changes to application by logging into their parent portal account up to and including the closing date(s) as stated in paragraph 1.41 above. Parents may then only alter order of preferences for applications submitted on time, by writing to the Council by 31<sup>st</sup> January for First time admissions / Infant and Junior, and 16<sup>th</sup> November for Year 7 transfer applications.
- 1.46 After the closing date if a new school preference is added, then that school preference will be considered as a late preference i.e. the preference(s) will not be looked at / processed until after considering the applications that have been received on time.
- 1.47 Allocating places
- 1.48 The Council must allocate any places in schools according to objective and transparent criteria.

1.49 Where a school is undersubscribed, i.e. the PAN has not been reached, any parent that applies must be offered a place subject to paragraph 1.18. Where a school is oversubscribed, the Council must rank applications in order against its published oversubscription criteria as set out at Section 8.0.

1.50 In regard to the admission of looked after children, a local authority has the power to direct the admission authority for any maintained school in England i.e. out of county-maintained schools to admit a child who is looked after even when the school is full. (Where maintained schools include community, VC, VA and foundation schools).

## **2.0 Normal round First Time Admissions to Mainstream Primary or Infant Schools and Infant to Junior Transfers**

### 2.1 Applying for a school place

2.2 Leicestershire County Council under the co-ordinated admission arrangements is responsible for [first time admissions and infant to junior transfers](#) (scheme) for all Leicestershire schools and [mid-term transfers](#) (scheme) for academies that participate in Leicestershire's mid-term co-ordination scheme.

2.3 Children do not automatically transfer to Reception from early years provision or nursery and parents must apply for a school place. Similarly, children attending an infant school do not automatically transfer to the junior /primary phase of education and parents must make an application.

2.4 The majority of admissions to Reception to all infant and primary schools is the September immediately following a child's fourth birthday (i.e. all children who have turned 4 before 31<sup>st</sup> August). The same applies to the majority transferring from Infant to Junior (i.e. from September immediately following their 6<sup>th</sup> birthday).

2.5 For first time admission, applications for a school place must be made on or before the national closing date of the 15<sup>th</sup> January of the year of admission in which the child turns four, even where the child will not be of compulsory school age in September when they start school. The Council open the application portal on the 1<sup>st</sup> September of the academic year prior to the year the child is eligible to start school.

2.6 For transfers from Infant to Junior School, applications for a school place must be made on or before the national closing date of the 15<sup>th</sup> January for all children in Year 2 transferring to Year 3 at a junior school.

2.7 Parents living in Leicestershire must apply to the Council for a school place. Parents apply on a Common Application Form (CAF). The best way to apply is by applying online through the Council's [website](#), however paper copies of the application form can be requested from the Customer Service Centre by calling 0116 305 6684.

2.8 Parents that do not live in Leicestershire but are seeking a school place at a school within Leicestershire can do so by applying through their home local authority i.e. the local authority

in which the child resides and where the council tax is paid. Those applications will be forwarded to the Leicestershire County Council for processing, in accordance with the co-ordinated admissions scheme (please see the Council's website for a copy of the co-ordinated scheme).

- 2.9 Parents are able to state up to three preferences in the order they most prefer and give reasons for those preferences. Parents should include any additional information the admission authority may need in order to consider their preferences fully.
- 2.10 The Council will process applications from Service Personnel / Crown Servants in accordance with the School Admissions Code 2021 as set out in paragraph 1.34 of this policy.
- 2.11 How places are allocated
- 2.12 Schools will have a PAN for each year group. The PAN is the minimum number of children who must be admitted if there are sufficient applications. Places will be allocated up to the Published Admission Number (PAN) for each relevant age group, when the admission of another child would prejudice the provision of efficient education or efficient use of resources. Where there are more applications than places, these will be ordered in accordance with the relevant own admitting authority's approved priority criteria.
- 2.13 This means that admission authorities may not refuse admission to other age groups on the grounds that they have already reached their PAN. They may, however, refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources.
- 2.14 Infant class size regulations apply to applications made for places in Reception i.e. first-time admission exceptions. Please see paragraph 1.17 and section 3.0 below.
- 2.15 For those parents that live in Leicestershire, the Council will confirm decisions for applications from the **national offer date 16<sup>th</sup> April** (or on the next available working day if the 16<sup>th</sup> April falls on a weekend/bank holiday).
- 2.16 For those parents that do not live in Leicestershire, the Council will confirm decisions to the home local authority, (the local authority council tax is paid, and child resides) who will in turn inform parents of the Council's decision.
- 2.17 Offers - First time admission / infant to junior transfer
- a. Following exchange of offer information with other local authorities, the Council will identify all those preferences which can be met.
  - b. The Council will inform other local authorities about final decisions for their residents and will receive notification from other local authorities about final decisions for Leicestershire residents.
- 2.18 Acceptance or Refusal of Offers and Withdrawal of Places or Offers of Places

2.19 In the normal admissions round offers are made for first-time, infant-junior admissions, national offer date 16<sup>th</sup> April, places will be assumed accepted unless refused.

Where no response has been received within 20 school days of the start of the school term or the date of the offer letter (as may be appropriate), a reminder will be sent explaining that the place may be withdrawn if they do not respond to the offer. Parents will be afforded a further 10 school days to take up the school place. If no further response to the offer (either accepting or refusing it) is received, then the offer of a place will be withdrawn.

2.20 Late Primary or Infant applications for normal admissions round

2.21 Applying late (after the closing date of the 15<sup>th</sup> January), will mean the application will not be looked at / processed until after considering the applications that have been received on time.

2.22 Where an application was received after the closing date, but on or before 31<sup>st</sup> January and includes independent professional evidence, which the Council's School Admissions Manager(s) will consider the evidence and may agree the application as on time where the proof justifies why the application could not be made on time.

2.23 The parent must be able to evidence that the reason for lateness was beyond their control i.e. children in care, forced re-location, new school opening, long term illness or there may have been a family bereavement, which prevented applying by the closing date.

2.24 Moving into the area is not an exceptional reason for applying late. Late applicant families who are already resident within the catchment area and have moved to another address within catchment are also NOT exceptions and will be processed as a late application.

2.25 Applications received after 31<sup>st</sup> January, cannot be considered under exceptional grounds, as it is too late to add them to the process and be considered as a late application.

2.26 The Council's decision on behalf of the admitting authority will either be to offer a place at a school or refuse the place because the school is full and to admit another student would cause prejudice. A refusal letter will also explain to the parent their right to appeal.

2.27 For those parents that do not live in Leicestershire, the Council will confirm decisions to the home local authority (the local authority where council tax is paid, and the child resides) who will in turn inform parents of the Council's decision.

2.28 Oversubscription (waiting) lists first time admissions and infant to junior transfers

2.29 During normal admissions round where an application has been refused and the number of applications received is greater than the number of places available, waiting lists will be maintained from offer day until the 31<sup>st</sup> December of that year.

2.30 The Council will maintain an oversubscription (waiting) list for first time admissions and infant to junior transfers.

- 2.31 Children's names are only placed on a waiting list for any school that the parent has ranked higher than the school that has been allocated. If a place is subsequently allocated the child's name will be removed from the waiting list for any lower preferences.
- 2.32 Priority on the waiting list will be decided by reference to the admission oversubscription criteria and not by the date an application was received.
- 2.33 Applications received after the 1<sup>st</sup> September will be determined as mid-term applications. Any applications that are refused before 31<sup>st</sup> December will also be automatically placed on the oversubscription (waiting) lists.
- 2.33 The Council does not hold waiting lists beyond 31<sup>st</sup> December. At any point while on the oversubscription (waiting) list, the family's circumstances change and the Council has been made aware, the application will be assessed again, and the lists will be re-ranked in accordance with the priority criteria. Where a family has failed to notify the Council of such a change and is subsequently offered a place, that place may be withdrawn

### 3.0 Infant Class Size & Exceptions

- 3.1 Infant Classes (Reception, Year 1 and Year 2) must not exceed 30 children per teacher<sup>1</sup>.
- 3.2 Infant classes must not contain more than 30 pupils with a single school teacher, unless an exception applies (see paragraph 3.5 below).
- 3.3 That includes where admission would cause the infant class size limit to be breached in the future.
- 3.4 Additional children may be admitted under limited exceptional circumstances. These children will remain as 'excepted pupils' for the time that they are in an infant class (Reception, Year 1, and Year 2) or until the class numbers fall back to the current infant class size limit.
- 3.5 The exceptions, are:
- a) children admitted outside the normal admissions round with Education, Health and Care Plans specifying a school;
  - b) looked after children and previously looked after children 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;

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<sup>1</sup> As defined by the section 4 of the School Standards and Framework Act 1998.

- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs 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.
- 3.6 For late applications for Reception processed after the 16<sup>th</sup> April (Offer Day) and before 31<sup>st</sup> August and for all mid-year applications for Reception, Year 1, and Year 2, a child who falls into any of these categories will not automatically be admitted as an excepted pupil.
- 4.0 Admission of children below compulsory school age and deferred entry
- 4.1 In the case of first-time admissions, upon notification of a school place being offered, a child is entitled to a full-time place in the September following their fourth birthday.
- 4.2 The child's parents can defer 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, 5, and not beyond the beginning of the final term (1<sup>st</sup> April) of the school year for which it was made i.e. the Summer Term.
- 4.3 Compulsory school age is from the term immediately following a child's 5th birthday, which means:
- ~ a child turning 5 between 1 September and 31 December must start school no later than from the start of the Spring Term (January);
  - ~ a child turning 5 between 1 January and 31 March must start school no later than from the start of the Summer Term (April);
  - ~ a child turning 5 between 1 April and 31 August must start school no later than the following Autumn Term (September).
- 4.4 Where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.
- 4.5 Where a child has failed to attend school by the start of the Summer Term in the school year for which the original offer of a school place was made, parents will have to submit a new application unless there are exceptional circumstances which have prevented the child from attending school.
- 4.6 Exceptional circumstances will include a child who has been unable to attend school because of medical reasons (i.e. hospitalisation, operation recovery that has taken up to two school terms).
- 4.7 Where there are no exceptional circumstances any application will be treated as a mid-term application (see section 7.0).

- 5.0 Admission of children outside their normal age group to Community or Voluntary Controlled schools
- 5.1 At the point of first-time admission, parents may seek a place for their child outside of their normal age group, for example if the child is gifted and talented or has experienced problems such as ill health.
- 5.2 Parents of a summer born child, may choose not to send their child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group, for example into the Reception year group rather than Year 1 (this is considered as a delayed entry for the purposes of this policy).
- 5.3 Definition of a summer born child is a child born from 1<sup>st</sup> April to 31<sup>st</sup> August, these children reach compulsory school age on/by 31<sup>st</sup> August.
- 5.4 When informing a parent of the decision on the year group the child should be admitted, the Council will provide a full explanation for the reasons in the decision letter.
- 5.5 To request delayed entry or admission outside of chronological age group entry, for first time admission, infant to junior transfer and secondary transfer, parents should make an application for their child's admission to their normal age group at the usual time, in accordance with this policy. Within that application parents should also submit a request to the Council for admission outside of the normal age group. Further information about the process will then be provided to parents upon their request for admission outside of the normal age group or by contacting the School Admissions Service.
- 5.6 Where a mid-term transfer request is made for a child that has been admitted to a year group outside the chronological year group, the requested school is not bound by the decision made by the current admitting authority.
- 5.7 Decisions will be made, on behalf of the School, by a Panel of the Council's professionals based on the circumstances of each case and considering the best interests of the child concerned. This will take into account:
- parents' views;
  - the views of the headteacher of the school concerned;
  - information about the child's academic, social and emotional development;
  - where relevant, their medical history and the views of a medical professional;
  - any views of medical and other professionals;
  - whether the child has previously been educated outside of their normal age group;
  - whether the child may naturally have fallen into a lower age group if it were not for the child being born prematurely.
- 5.8 Decisions made will clearly be set out in writing to the parent. The letter will contain a full explanation to the parent of how the decision was arrived at, including the year group into which the child will be considered for admission as well as what recourse is available if the request is refused.

- 5.9 Where the Council agrees to the parent's request for their child to be admitted to a year out of their normal age group, the admissions application for a place in the normal year group will then be withdrawn. It will be necessary for the parent(s) to apply again for a place in Reception (or at infant to junior or secondary transfer) at the appropriate time a year later as part of the co-ordinated scheme. If that application is successful, the child will be admitted into Reception, Year 3, or Year 7. However, parents must be aware that any such consent will not guarantee them a place at the preferred school(s).
- 5.10 If a parents' request is not agreed Leicestershire County Council will continue to process the application for a place in the Reception year, at the normal time.
- 5.11 Parents of first-time admission pupil can seek to defer admission to later in the school year, parents are advised to discuss their options with the headteacher, in accordance with section 2.17 of the Code. Otherwise, parents must apply for Year 1 place. The risk when applying for a Year 1 place is that the preferred school may already be full.
- 5.12 Where delayed entry has been approved, the Council will process any such application as part of the main admissions round, and alongside other applications for that age group, on the basis of determined admission arrangements only, including the priority criteria when this applies. Where an application is late, it will be considered after on-time applications.
- 5.13 Any agreement by the Council to delay entry or to be admitted in advance of their chronological age group will only apply in relation to the maintained schools and/or voluntary controlled school(s) identified by the parents. Parents should contact the admission authority of other schools, for example all academy schools, they may wish their child to attend to confirm the process that they will need to follow in relation to that school.
- 5.14 At the point of transfer (either from Infant to Junior School or from Junior/Primary to Secondary school) it will be a matter for the admission authority of that requested school(s) to determine whether to approve any request for a child to be admitted outside of their chronological age group.
- 5.15 Parents' statutory right to appeal against the refusal of a place at a school for which they have applied does not apply if offered a place at the school, but it is not their preferred age group.

## **7.0 Mid-Year (In-Year) Applications**

### **7.1 What is a mid-term application?**

7.2 A parent can apply for a place for their child at any school, at any time. Mid-term applications can be made for children requiring a school place during the school year rather than the usual transfer time to school, for example starting at Reception, transferring to junior school or transferring to secondary school.

7.3 Where the application is seeking a place in Reception, and received on or after the first day of the academic year in the year of admission (1<sup>st</sup> September). It will be processed in accordance with the Council's mid-term co-ordinated scheme for maintained schools and for



those academies that participate in the Council's co-ordinated scheme.

7.4 Leicestershire's arrangements for mid-term applications to Leicestershire schools.

7.5 Mid-term transfer requests will be co-ordinated through the Council's School Admissions Service, for schools under the Local Authority's control and for those academies (own admitting authorities) that have indicated that they wish to participate in the Local Authority's [mid-term coordination scheme](#).

7.6 Local authorities are required to publish information on their public website by 31<sup>st</sup> August at the latest each year to explain how in-year applications can be made and how they will be dealt with from 1<sup>st</sup> September onwards in that year.

7.7 Applying for a place in a Leicestershire School

7.8 Information setting out the process for applying for mid-terms, is set out on the council's website for both maintained schools and those academies that participate in the council's co-ordinate scheme and for those admitting authorities that manage their own in-year admissions see the Council's [mid-term coordination scheme](#).

7.9 Parents can submit applications and if offered a place will have up to 20 school days to take-up the place or risk the place being withdrawn. School places cannot be reserved, and places are allocated in line with the admission arrangements for the school.

7.10 The best way to apply is through the Council's mid-term application form (Common Application Form) available [online](#) (before applying parents are encouraged to arrange to visit the school).

7.11 Parents can state up to three preferences on an application for any of the schools participating in the scheme.

7.12 Admissions will normally be agreed up to the PAN for the relevant age group. Admission to other age groups cannot be refused on the grounds that the PAN has already been reached however, admission may be refused where the admission of another child would prejudice the provision of efficient education or efficient use of resources.

7.13 Where there are more applications than places available, places must be allocated on the basis of the oversubscription criteria in the determined admission arrangements for the relevant admitting authority only.

7.14 Where an application is made to a school that is oversubscribed, a school place may still be offered subject to the following:

- (i) The requested school is the catchment school for the new address; and
- (ii) Documentary evidence of the house move is provided (see paragraph 14.15);  
and

- (iii) There is no alternative school within a reasonable distance which has available places in the relevant year group. Reasonable distance for these purposes is 2 miles for a primary school and 3 miles for secondary school, measured as the shortest safest walking route from a geocoded point at the centre of the home address to the School's front gate using an electronic mapping tool – *Routefinder*; and
- (iv) The application is made within 90 calendar days of the family first moving into the property and the application requests a start date of no later than half a school term from the point the application was received; or
- (v) That the child has/will have a sibling attending the school at the same time.

7.15 Notifying parents of the outcome

7.16 The Council will aim to notify the parents of the outcome of their application in writing within 10 school days and must notify in writing within 15 school days.

7.17 Where the mid-term application is made through the Council, the decision will, either be to offer the place or refuse, if the school is full because admitting the child would prejudice the efficient provision of education or use of resources. A refusal letter will also explain to the parent their right to appeal, and how they should do this.

7.18 Admission authorities must not refuse to admit a child on behavioural grounds in the normal admissions round, or at any point in the normal year of entry, except for children who have been permanently excluded from two or more schools.

7.19 Where an admission authority receives an in-year application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour, it may refuse admission and refer the child to the Fair Access Protocol.

7.20 This can only be used if the school in question has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.

7.21 There are some exceptions – please see paragraph 14.19 of the policy.

7.22 On the rare occasion where a community or voluntary school is significantly over subscribed in the requested year group, such that Health and Safety of children will be compromised, the application will be refused and right of appeal will be offered.

7.23 Acceptance or Refusal of Offers; Withdrawal of Places or Offers of Places

7.24 For mid-term applications (outside the normal round), parents must respond to any offer of a school place within 20 days of the date of that letter directly with offer school to make

starting arrangements.

7.25 Where no response has been received within 20 school days of the start of the school term or the date of the offer letter (as may be appropriate), a reminder will be sent explaining that the place may be withdrawn if they do not respond to the offer. Parents will be afforded a further 10 school days to take up the school place. If no further response to the offer (either accepting or refusing it) is received, then the offer of a place will be withdrawn.

#### 7.26 Oversubscription (waiting) lists

The Council only maintains oversubscription (waiting) lists for first time admissions, infant to junior transfers and for secondary transfers. The Council maintains no oversubscription (waiting) list for any other year groups.

### **8.0 Priority Oversubscription Criteria for Entry Autumn 2024 Admissions and Mid-term Applications during 2024/2025 Academic Year**

8.1 Where there are more applications than places available, the oversubscription criteria are used to decide the priority of applications for school places. Priority will be given to children whose parents applied on time and ranked in accordance with the priority criteria set out below. The first criterion represents the group of children most likely to get a place at the school. The last criterion represents the group of children least likely to get a place.

8.2 A combination of the oversubscription criteria will be used if required where there are more applications than places, for example where there are 120 places and 125 applications are submitted, 0 under the first category children in care, 125 for children who reside in catchment, a combination of criteria will be used under catchment – catchment + sibling, catchment + serious medical condition, catchment + distance, until 120 places are allocated.

8.3 Where there is a tie, the next relevant criteria will be used to determine which application should be offered the place, if they still have identical ranking then lots will be drawn.

8.4 The Priority criteria for Donisthorpe Primary School is the same as that for 'maintained schools' in Leicestershire and is set out in the table below:

|                       |  |
|-----------------------|--|
| <b>1<sup>st</sup></b> | Children who are looked after and those children who were previously looked after children. <i>(See note i.)</i>   |
| <b>2<sup>nd</sup></b> | Pupils who live in the catchment area at point of application. <i>(See note ii.)</i>   |
| <b>3<sup>rd</sup></b> | Sibling, where there is sibling attending the requested school and will still be attending the requested school at point of entry. <i>(See note iii.)</i>  |
| <b>4<sup>th</sup></b> | Pupils who have a serious medical condition or exceptional social or domestic needs that make it essential they attend the school requested. (Professional documentation confirming the situation must be submitted with the application.) <i>(See note iv.)</i> |
| <b>5<sup>th</sup></b> | Pupils with a sibling attending the Linked Junior School. <i>(See note v.)</i>   |

**Notes:**

- i. The School Admissions Code 2021 states that all admission authorities must give highest priority to this group of children and provides the following definitions:  
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.

'Previously looked after children' are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). Further references to previously looked after children means such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children 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.

- A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.
- Children who were adopted under the Adoption Act 1976 and children who were adopted under section 46 of the Adoption and Children Act 2002.
- Child arrangements orders are defined in section 8 of the Children Act 1989, as amended by section 12 of the Children and Families Act 2014. Child arrangements orders replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

- ii. All schools for which the Council is the admission authority have catchment areas these can be seen at the following link: [catchment areas](#). For the purpose of processing a school application a single home address must be used. The child's place of residence is taken to be the parental home at which they normally reside. Where parents claim equal or dual residency the home address is the address where the child permanently spends at least three 'school' nights (that is, Sunday, Monday, Tuesday, Wednesday or Thursday) will be taken to be the place of residence.

For children of UK service personnel with a confirmed posting to the area or crown servants returning from overseas to live in the area, the Council will use the address at which the child will live when applying the oversubscription criteria, as long as the parent provides some evidence of their intended address. A unit or quartering address will be used as the child's home address where a parent requests this and evidence, such as an official letter declaring the relocation, is received.

For families of service personnel with a confirmed posting, or crown servants returning from overseas, the admission authority will:

- a) allocate a place in advance of the family arriving in the area (as long as one is available), provided the application is accompanied by an official letter that declares a relocation date. This must be an official government letter issued by a government department e.g. FCDO, UKVi, DIT. We will not refuse to process an application or refuse a place solely because the family do not yet have an intended address, or do not yet live in the area.

- b) use the address at which the child will live when applying their oversubscription criteria, as long as the parents provide some evidence of their intended address. For example, we will use a Unit or quartering address as the child's home address where a parent requests this.
- iii. The term sibling relates to:
- brothers and/or sisters who share the same parent(s)
  - a half-brother, half-sister or legally adopted child living at the same address
  - a child looked after by a local authority placed in a foster family with other school age children
  - a stepchild or children who are not related but live as a family unit, where parents both live at the same address as the child.
- iv. If criterion 4 is used, when making an application parents should send evidence from an independent professional person who knows about the child and supports the application to the school. It must clearly show why the school is the most suitable and any difficulties if alternate schools were offered. An independent professional person, for example a health professional, social worker, teacher/early years professional or support worker or such other appropriate person. The evidence must be supplied and must be submitted with the application for a school place.

The following list are the areas that are considered exceptional:-

- (a) Children with a serious medical condition - showing that the needs of the child can only be met at the specific school and why other schools would not be able to meet this need, or a child has an exceptional illness or disability (for example, limited mobility) which means that, the child can only reasonably attend one school.
- (b) Children subject to Child Protection Plans and Child in Need Plans and the child can only reasonably attend one school.
- (c) Parents suffering domestic violence (This is dependent on documentary evidence by a lead professional for example a health professional, social worker, teacher/early years professional or support worker or such other appropriate person)

The Service Manager along with the Admissions Manager will make the decision during the processing period in consideration with relevant professional documentation.

- v. A younger sibling will be considered under this criterion where they have an older sibling attending the linked junior school and will still be attending the linked junior when the younger sibling starts school.
- vi. For criterion 6, measurement of distance of up to three decimal places will be in a straight line from the centre point of the home property to the school's main designated front gate, using a computerised mapping system (*Routefinder*). Where there is equal distance then lots will be drawn. The drawing of lots will be undertaken by a senior officer in the Children and Families Department, supervised by an officer of the Council from another department that is independent of the Council's School Admissions Service.

## 8.5 Tiebreaker

If having applied the combination of the priority criteria, two or more applications have identical ranking lots will be drawn. The drawing of lots will be undertaken by a senior officer in the Children and Families Department, supervised by an officer of the Council from

another department that is independent of the Council's School Admissions Service.

## **9.0 Children Who Move Out of Or into the Catchment Area**

- 9.1 A child who is already attending a school and whose place of residence changes to an out-of-catchment address is entitled to continue attending that school. However, any subsequent application, as a mid-term or at the point of transfer to a junior school, must be made using the new address.
- 9.2 Where a family have made an application, they must notify the Council of any change in their address as soon as possible after the move.
- 9.3 Where a family have applied or been offered a place at a community or voluntary controlled school and move home during the course of the admissions process (i.e. after the closing date for first time admissions or transfers but before they start) they must notify the Council immediately.
- 9.4 During the normal round the latest date a proof of change of address can be accepted for the purposes of an application that has already been submitted is the third Friday in March for first time admissions and junior transfers and the third Friday in December for secondary transfers (as detailed in the co-ordinated scheme). Home moves will not be accepted without proof (see section 14.15). Where proof is received beyond the above respective 'Fridays', the applications will be considered as late.
- 9.5 When moving house, the application should state the current home address. If there is a planned move the current address should be given and proposed moving to address given in the relevant section with proposed moving date.

## **10.0 Withdrawal of places**

- 10.1 Once a place has been offered at a school the Council may withdraw that place prior to starting school where it has been established that:
- the place was offered in error;
- or
- it is established that the place was obtained through a fraudulent or intentionally misleading application;
- or
- where the parent has not responded within a reasonable time<sup>2</sup>.
- 10.2 Fraudulent applications: The Council investigates any applications where there are doubts about the information provided. In these cases, parents will be required to provide evidence

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<sup>2</sup> Including a failure to respond within a reasonable time to a request for information, such as to provide proof of an address.

that the information submitted as part of the application was accurate. If the parent does not provide information or is unable to provide this information the Council will seek to obtain confirmation of the information from other local government departments, including schools. Where an offer of a place is found to be based on fraudulent or intentionally misleading information provided on the application, and this effectively denied a place to a child with higher priority for the place at the school, the offer of a place may be withdrawn. The Council reserves the right to check the information provided on the application is genuine.

## **11.0 Errors**

- 11.1 Where the Council has made an error in the processing of an application for a school place, and it is established that had the error **not** occurred it would have resulted in the applicant being offered a school place, the Council will offer a place at the school.
- 11.2 Applicants are responsible for the accuracy of all and any information which they submit. The Council takes no responsibility for incorrect information submitted (i.e. an incorrect date of birth, failure to mention sibling(s), failure to provide supporting evidence etc.) or the impact that such information may have on the determination of their application. Where applicants become aware of such errors, they should notify the Council as soon as possible.

## **12.0 Second Applications**

- 12.1 Ordinarily parents may only make one application for any particular school per academic year. In exceptional circumstances, and at its sole discretion, the Council may allow a further application to be made where there has been a significant and material change in the circumstances of the parent, the child or the school.
- 12.2 The following is a non-exhaustive list of what may be considered to be exceptional:
- change of address i.e. where the change of address is into the catchment of the school;
  - new significant and material evidence has come to light in personal circumstances;
  - a significant change in medical circumstances (apart from medical attention for distress or anxiety as a result of unsuccessful applications / appeals);
  - there has been a significant and or material change in the circumstances of the school i.e. significant extensions / new build, an increase their PAN, increase in the number of teaching staff.
- 12.3 In such instances parents must provide the Council with written details of the significant and material change together with any evidence of that change. Where the significant and material change is accepted by the Council a second application will be permitted and must be made in the usual way and will be processed in the normal manner and, where necessary, in accordance with the priority criteria. The decision will be made by the Admissions Manager(s).

### **13.0 Appeals (including class size appeals)**

- 13.1 If an application for a school place is refused, a refusal letter is issued, which will set out the reason for refusal and the right to appeal. Parents have a right to appeal to an Independent Appeal Panel.
- 13.2 The decision of an Independent Appeal Panel is binding on parents, the Council and the governing body of the school.
- 13.3 Appeals that are to be heard as part of the normal round will be heard in accordance with the appeals [timetable](#) published on the LA's website.
- 13.4 More information about the school appeals process can be found below
- 13.5 Where an application for admission is refused on the grounds it would cause the infant class size limit to be breached, the grounds on which the appeal may succeed are extremely limited:
- 13.6 The Panel can only allow an appeal for a place in an infant class that already has 30 children if:
- an error was made in the processing of the application form;
  - the policy or admissions arrangements were applied incorrectly; or,
  - the decision to refuse the place was unreasonable – see the [School Appeals Guidance](#) for more information.

### **14.0 Miscellaneous**

- 14.1 Children with Split Residence
- 14.2 Where a child lives for part of the week with one parent and for part of the week with the other parent, the address recognised by the Council for the purposes of an application for a school place is the one where the child lives that is the address where the child permanently spends at least three 'school' nights (that is, Sunday, Monday, Tuesday, Wednesday or Thursday) will be taken to be the place of residence.
- 14.3 Where the weekly residence arrangement varies, and a child stays with both parents, on average, for the same amount of time during the school week over a four-week period, and one parent lives in another school catchment, the parents will be required by the Council to choose one address for the purposes completing a school application. If those with parental responsibility are unable to agree on the preferences received by Leicestershire County Council, it may be necessary for parents to obtain further legal advice. Leicestershire County Council will continue to process an application unless legal documentation is provided that states an application cannot be processed or a pending court hearing. In cases where multiple applications are received for the same child, Leicestershire County Council will establish where the child lives for the majority of the time – as set out in paragraph 1.31.



- 14.4 Where parents cannot agree a single address, the Council will require parents to seek a Court Order to determine which address is to be used.
- 14.5 Where any claimed residence arrangement is found to be false, and the child is yet to start at the allocated school, the place will be withdrawn as it will be considered obtaining the school place on fraudulent and / or misleading grounds. In such circumstances the application will be considered afresh and determined at that time based on the correct information.
- 14.6 Children of UK Service Personnel and other Crown Servants
- 14.7 It is the parent's responsibility to make sure the Council are informed of the family's Service or Crown Servant status.
- 14.8 It is important to note that the provisions of the School Admissions Code or Armed Forces Covenant, do not give automatic priority to service children over other children or guarantee that service children will get a place at a particular school.
- 14.9 For families of service personnel with a confirmed posting, or crown servants returning from overseas, the admission authority will:
- a) allocate a place in advance of the family arriving in the area (as long as one is available), provided the application is accompanied by an official letter that declares a relocation date. This must be an official government letter issued by a government department e.g. FCDO, UKVi, DIT. The Council will not refuse to process an application or refuse a place solely because the family do not yet have an intended address, or do not yet live in the area.
  - b) use the address at which the child will live when applying the oversubscription criteria, as long as the parents provide some evidence of their intended address. For example, we will use a Unit or quartering address as the child's home address where a parent requests this.
- 14.10 Where a parent is unable to provide confirmation of a relocation address, they are advised to provide an indication of the area, narrowed down as far as possible, to which the family intend to return. Parents should keep admission authorities informed of any changes to the planned address during the application process and should note that without being able to provide any confirmation of a relocation address, an admission authority may not be able to process their application.
- 14.11 If vacancies exist, the Council will allocate the school to the family in advance of their move, even if they do not yet have a confirmed address. If schools are oversubscribed the Council need to be satisfied that place(s) is allocated lawfully (in accordance with their oversubscription criteria) and will expect to have some level of certainty about a family's intended new address, to ensure a place is allocated lawfully, for example, proof of exchange of contracts or a letting agreement.

- 14.12 Catchment Area Definition and How to Find Out the Catchment Area School for the Home Address
- 14.13 Community and Voluntary Controlled schools have their own defined catchment areas, which are available to view on the website: [catchment areas](#). These are the geographic area from which pupils / students are eligible to be considered under criterion 2 of the Priority Oversubscription Criteria.
- 14.14 The home address determines into which catchment area the applicant resides (definition of home address see paragraph 1.29 (and section 8.0 note (ii)). There are some instances where a single catchment has multiple schools, this will mean families may have more than one catchment school see paragraph 14.12.
- 14.15 If unclear in which catchment area the home address falls, please contact the Council's Customer Service Centre, on (0116) 305 6684.
- 14.16 Where a family have equal split residency arrangements and the child resides either in the same school catchment or live in two catchment areas, parents must prioritise one address.
- 14.17 Areas of Dual / Multiple Catchment Entitlement
- 14.18 In areas where there is dual or multiple catchment entitlement, equal preference process will be applied at the normal round of applications. For children who move into an area outside of the normal admissions round, the normal criteria will be applied (see section 8.0). In both circumstances the highest-ranking preference where possible will always be offered.
- 14.19 Finding the school nearest to home address (this may not be the catchment school)
- 14.20 See the link below for the nearest school **not** necessarily the catchment school:  
<https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/find-a-school>
- 14.21 Parental Proof of Residence
- 14.22 In determining an application for a school place, the Council may request evidence of an address or of a move into a catchment area or arriving in the UK.
- a) Such evidence may include but not be limited to:
- Opening Council Tax Bill;
  - Signed and dated copy tenancy agreement;
  - Copy of a letter of completion of house purchase from a solicitor.
- b) In addition to the above the following may also be asked for:
- Copy of child benefit letter;
  - Copy of current driving licence;
  - Copy of registration at GP practice or hospital consultant.

- c) Where a family has moved in with relatives or friends (including new to UK):
- A declaration from Parents and householder / homeowner / relative / friend confirming the applicant family now reside at the address;
  - A copy of most current council Tax bill from occupier;
  - Stamped passport or visa;
  - Boarding passes.

14.23 Where the Council does not consider it has been provided with satisfactory proof of address, the application will not be processed until the Council is satisfied that adequate proof has been obtained.

14.24 Clarification of home address where the family's current address is deemed temporary or multiple addresses

For the purposes of this policy the following will be accepted as the home address:

- (a) Purchase of a second property by a family, while the first property is retained, where the family moves to the second address and provides proof of residence - as set out in section 14.14 (c); or
- (b) Rented accommodation while a previous property is retained. The family must provide satisfactory evidence to the Council that the rented accommodation is their primary residence through proof of residence, and by demonstrating that the old property is not being occupied by them. In that instance, the Council must be provided proof of zero/vacant occupancy (i.e. discounted council tax, see section 14.14); or
- (c) Temporary living arrangements whether living with relatives or not i.e. whilst re-furbishing, building or decorating the permanent home address. The home address will be taken as the one where the family can provide proof of residence - see section 14.14 a), b) or c); or
- (d) Where because of reasons beyond parental control a house move has been imposed on the family or children ((i.e. fleeing domestic violence (refuge address), safe home (witness protection), home repossessions, losing home residence through an 'act of god' i.e. home destroyed, etc.)), subject to supporting documentation; or
- (e) Where the parent has been hospitalised and the children have been placed with a relative or carer, the temporary address will be accepted for the purposes of a school application on proof of hospitalisation i.e. a letter from a medical professional, and a declaration from the relative or carer of the arrangements.

14.25 Children from Overseas

14.26 Applications from non-UK nationals will be processed in accordance with this policy.

14.27 If the Council have any concerns as to a child's leave to remain in the UK and/or entitlement to state education, such concerns shall be referred to the Home Office.

- 14.28 Overseas nationals entering the UK, who wish to apply for a state-funded school place, are advised to check that they have a right of abode (<https://www.gov.uk/right-of-abode> ) or that the conditions of their immigration status otherwise permit access to a state-funded school before making an application for a school place.
- 14.29 Circumstances in which an application might be refused – children with challenging behaviour and twice Excluded Pupils
- 14.30 Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion.
- 14.31 The twice excluded rule does not apply to the following children:
- a) children who were below compulsory school age at the time of the permanent exclusion;
  - b) children who have been reinstated following a permanent exclusion (or would have been reinstated had it been practicable to do so);
  - c) children whose permanent exclusion has been considered by a review panel, and the review panel has decided to quash a decision not to reinstate them following the exclusion; and
  - d) children with Education, Health and Care Plans naming the school.
- 14.32 Admission authorities must not refuse to admit a child on behavioural grounds in the normal admissions round or at any point in the normal year of entry, except for where the above applies.
- 14.33 Where an admission authority receives an in-year application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour, it may refuse admission and refer the child to the Fair Access Protocol. This can only be used if the school in question has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources. This cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education, Health and Care Plans naming the school in question.
- 14.34 Admission authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.
- 14.35 In addition to this, applications for vulnerable children who have been unable to secure a school place outside of the normal admissions round may be referred for consideration under the Fair Access Protocol. Further details about this can be found on the Council's

website. Parents should be aware that where children are considered under the protocol, the protocol has no obligation to comply with school preference rights (although it will be considered) in seeking to secure a school place. However, there is nothing to prevent a parent from applying for a different school at that time – any such application will be considered in accordance with the usual process.

- 14.36 Where a Governing Body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the Council for action under the Fair Access Protocol.
- 14.37 Behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. The Council would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment).
- 14.38 For those of primary school age the Primary Fair Access Panel will consider the most appropriate school and will aim to facilitate a re-integration. For those of secondary school age the relevant Area Behaviour Partnership will be responsible to place the student with support as necessary.
- 14.39 Parents are not precluded from applying for a school place even whilst the FAP is ongoing.
- 14.40 For those children who have been permanently excluded and are in a transition phase (i.e. transferring from Year 2 to Year 3 or Year 6 to Year 7), all exclusions are expunged, and the receiving school must take the child.