

## ANNEX 1

# THE ADMISSION OF PUPILS TO THE SANDOWN BAY ACADEMY

## GENERAL

- 1 This annex may be amended in writing at any time by agreement between the Secretary of State and the Academies Enterprise Trust (“the Company”).
- 2 The Company will act in accordance with, and will ensure that the Independent Appeal Panel is trained to act in accordance with, all relevant provisions of the School Admissions Code and the School Admission Appeals Code published by the Department for Education (“the Codes”) as they apply at any given time to maintained schools and with equalities law and the law on admissions as they apply to maintained schools. For this purpose, reference in the Codes or law to “admission authorities” shall be deemed to be references to the Board of Directors of the Company.
- 3 Notwithstanding the generality of paragraph 2 of this Annex 1, the Company will take part in the Admissions Forum set up by the Isle of Wight Local Authority (“LA”) and have regard to its advice; and will participate in the co-ordinated admission arrangements operated by the LA and the local in-year fair access protocol.
- 4 Notwithstanding any provision in this Agreement, the Secretary of State may:
  - a) direct the Company to admit a named pupil to the Sandown Bay Academy (“the Academy”) on application from a local authority. Before doing so the Secretary of State will consult the Company.
  - b) direct the Company to admit a named pupil to the Academy if the Company has failed to act in accordance with this Annex or has otherwise failed to comply with applicable admissions and equalities legislation or the provisions of the Codes.
- 5 The Company shall ensure that parents and ‘relevant children’ will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the Company. The Independent Appeal Panel will be independent of the Company. The arrangements for appeals will comply with the School Admission Appeals Code published by the Department for Education as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.
- 6 The Company shall prepare guidance for parents and relevant children

about how the appeals process will work and provide them with a named contact who can answer any enquiries they may have about the process. The Company may, if it chooses, enter into an agreement with a LA or any other organisation for it to recruit, train and appoint appeal panel members, and to arrange for the process to be independently administered and clerked.

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

### **Relevant Area**

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

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

### **Consultation**

- 14 The Company shall consult the following parties on the Academy's proposed admission arrangements for a minimum of eight weeks

between 1<sup>st</sup> November and 1<sup>st</sup> March in the 'Determination Year'<sup>1</sup>:

- a) The LA.
- b) The admission forum for the LA.
- c) Any other admission authorities for primary and secondary schools located within the relevant area for consultation.
- d) Any other governing body for primary and secondary schools (as far as not falling within paragraph c)) located within the relevant area for consultation.
- e) Affected admission authorities in neighbouring local authority areas.
- f) Parents living in the relevant area for consultation whose children have attained the age of two but are not above compulsory school age and who are or will be eligible to apply to be admitted to the Academy;
- g) Community groups which the Academy considers relevant;
- h) Teaching unions if the consultation includes an increase in admission number.

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

15 From 2012-13, and for subsequent years, consultation in line with paragraph 14 is not required in any year where the following conditions are met:

- a) the admission arrangements were consulted upon in one or both of the previous two years; and
- b) there have been no changes, or proposed changes, since the last consultation.

16 As soon as any changes are made to arrangements, or proposed, the consultation cycle in paragraph 14 must be followed for the next determination year.

### **Determination of Admission Arrangements**

17 The Company will consider comments made by those consulted in accordance with paragraph 14, including any requests to amend the proposed admission number, before determining the admission arrangements for the Academy.

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

- 18 The Company will determine the Academy's admission arrangements annually by 15<sup>th</sup> April of the Determination Year and notify consultees listed in paragraph 14 what has been determined within 14 days of that decision being made.

### **Representations about admission arrangements**

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

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

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

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

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

### **Publication of Admission Arrangements**

- 23 The Company shall each Determination Year publish the Academy's agreed admission arrangements by:
- a) copies being sent to the persons consulted in paragraph 14;
  - b) copies being sent to primary and secondary schools in the LA's area;
  - c) copies being sent to the offices of the LA;
  - d) copies being made available without charge on request from the

Academy;

- e) copies being sent to public libraries in the area of the LA for the purposes of being made available at such libraries for reference by parents and other persons.
- f) a copy being uploaded to the Academy's website (if it has one).

24 The published admission arrangements will set out:

- a) the name and address of the Academy and contact details;
- b) a summary of the admission policy, including full oversubscription criteria and any arrangements for post-16 admission;
- c) a statement of any religious affiliation if relevant;
- d) numbers of places and applications for those places in the previous year; and
- e) arrangements for hearing appeals.

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

25 Subject to paragraph 26, once the Academy's admission arrangements have been determined for a particular year and published, the Company will not make any change to such arrangements unless there is a major change of circumstances and the following procedures have been followed:

- a) the Company has consulted those who are required to be consulted under paragraph 14 above on the proposed variation;
- b) following such consultation, the Company has applied to the Secretary of State to approve the change setting out:
  - i) the proposed change;
  - ii) reasons for wishing to make such a change;
  - iii) any comments or objections to the proposal from those consulted; and
- c) following such application, the Secretary of State has provided his consent to the proposed variation.

26 The Company shall following the prior written agreement or direction of the Secretary of State vary the Academy's admission arrangements where such changes are necessary to ensure compliance with the relevant provisions of admissions law or the Codes as they apply to maintained schools. Such changes may be made at any time.

- 27 Any changes to the Academy's admission arrangements brought about through the variation processes in paragraphs 25 or 26 above must be published within the Academy's prospectus and on its website (if it has one) and be communicated within 7 days to those persons who must be consulted under paragraph 14.
- 28 The Company must make arrangements for a parent of a child who has attained the age of two but is not above compulsory school age and who has been, is or will be eligible to apply to be admitted to the Academy to make representations to the Secretary of State that any aspect of the Academy's admission arrangements does not comply with the relevant provisions of admissions law or the Codes as they apply to maintained schools.
- 29 Where a representation is made in accordance with paragraph 28, the Secretary of State may, after consulting the Company, direct that the Company modify its arrangements for the admission of pupils to the Academy so that they comply with the relevant provisions of admissions law and the Codes as they apply to maintained schools. The Company must comply with any such direction.
- 30 Records of applications and admissions to the Academy shall be kept by the Company for a minimum period of ten years and shall be open for inspection by the Secretary of State.

## **PROCEDURE FOR ADMITTING PUPILS TO THE ACADEMY**

### **Admission Number(s)**

- 31 The Company has the following agreed admission number for the Academy:
  - a) For the year 2011/12 330 for pupils in Year 7;
  - b) For the year 2012/13 330 for pupils in Year 7;
  - c) For the year 2013/2014 and subject to any changes approved or required by the Secretary of State, for subsequent years 270 for pupils in Year 7.
  - d) The Academy has capacity for 300 pupils in the sixth form, with 150 places in year 12. It will not admit external applicants unless it is undersubscribed by pupils progressing from its own year 11 and in such circumstances it will apply the same academic entry requirements as it does to pupils already on roll in the Academy.
  - e) The Academy will accordingly admit up to the admission number in the relevant age group each year if sufficient applications are received.
- 32 In any specific year, the Company may set a higher admission number than the Academy's agreed admission number for an applicable year group. Before setting an admission number higher than its agreed

admission number, the Company will consult those listed at paragraph 14. Pupils will not be admitted in any year group above the published admission number for that year group unless exceptional circumstances apply and such circumstances shall be reported to the Secretary of State.

- 33 If the Academy admits a total of 26 pupils in excess of its admission number in any 3 year period it will determine a higher admission number, after consulting those bodies listed at paragraph 14.

### **Process of Application**

- 34 Arrangements for applications for places at the Academy will be made in accordance with the LA's co-ordinated admission arrangements and will be made on the Common Application Form provided and administered by the relevant local authority.

- 35 The Company will use the LA's timetable for applications to the Academy each year (exact dates within the months may vary from year to year). This will fit in with the timetable for the co-ordination of admission arrangements within the LA as agreed by the Admissions Forum, LA, local schools and Academies:

- a) By September - The Company will publish in the Academy's prospectus information about the arrangements for admission, including oversubscription criteria, for the following September (e.g. in September 2010 for admission in September 2011). This will include details of open evenings and other opportunities for prospective pupils and their parents to visit the school. The Company will also provide information in relation to the Academy to the LA for inclusion in the composite prospectus, as required;
- b) September/October - The Company will provide opportunities for parents to visit the Academy;
- c) October – Common Application Form to be completed and returned to the pupil's home local authority to administer;
- d) LA sends Academy applications to the Company;
- e) Company sends list of pupils to be offered places at the Academy to the LA;
- f) February - LA applies agreed scheme for own schools, informing other local authorities of offers to be made to their residents.
- g) 1<sup>st</sup> March offers made to parents.

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

- a) 31<sup>st</sup> October for secondary applications; and

- b) 15<sup>th</sup> January for Primary applications
- c) The Academy will ensure its application processes enable parents to apply before these deadlines.

### **Consideration of Applications**

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

### **Procedures where the Sandown Bay Academy is oversubscribed**

- 38 Where the number of applications for admission is greater than the published admission number, applications will be considered against the criteria set out below. After the admission of pupils with statements of Special Educational Needs where the Academy is named on the statement, the criteria will be applied in the order in which they are set out below:
1. Children who are in the care of a local authority or children who were previously in care but immediately after being in care became subject to an adoption, residence or special guardianship order<sup>2</sup>.
  2. Pupils with a specific medical condition, confirmed by a consultant paediatrician or similar health professional, which makes a particular school the most appropriate. (Any application for a place at a particular Academy for medical reasons must be supported by independent evidence supplied at the time of application confirming the reasons why attendance at the Academy is essential or that this Academy is most suitable and the difficulties that would be caused if the child had to attend another Academy);
  3. Pupils living in the Academy's priority area who, at the time of application, have an elder sibling (brother or sister):
    - who is already at the Academy; and
    - who will still be in attendance at the Academy in September 2013
  4. Other pupils living within the Academy's priority area;
  5. Pupils living outside the Academy's priority area who, at the time of application, have an elder sibling (brother or sister):
    - who is already at the Academy; and
    - who will still be in attendance at the Academy in September 2013
  6. Pupils living outside the Academy's priority area.

If there are more applicants than remaining places within any of the above criteria the home-to-school distance will be used as a tiebreaker with those living closer being offered places first.



## **Post 16 admission criteria**

- 39 The Company will publish specific criteria in relation to minimum academic entrance requirements for admission or transfer to the post-16 provision. Both internal and external pupils wishing to enter the sixth form will be expected to have met the minimum academic entry requirements for the sixth form. These academic entry requirements will be the subject of consultation with those listed in paragraph 14 and published in the Academy's prospectus and in the LA composite admissions prospectus. When the sixth form is undersubscribed all applicants meeting the minimum academic entry requirements will be admitted. When there are more external applicants that satisfy any academic entry requirements than the number of post-16 places available and after the admission of pupils with statements of Special Educational Needs where the Academy is named on the statement, the criteria will be applied in the order in which they are set out below:
- a) children in public care;
  - b) admission of pupils whose siblings currently live at the same address and attend the Academy and who will continue to do so on the date of admission. The term 'sibling' means a full, step, half, adopted or fostered brother or sister, but not cousins. The Academy reserves the right to ask for proof of relationship.
  - c) Children for whom a particular school is appropriate on exceptional medical grounds. Such applications will be considered under this criterion only if they are supported by an attached written statement from a doctor. This must demonstrate that there is a very specific connection between the child's medical need and the school requested.
  - d) Children who live the nearest distance from the Academy using straight line measurement<sup>3</sup> from the centre of the Academy to the centre of the building of the child's permanent home. The child's permanent address is where he or she normally lives and sleeps and from where they go to school. Proof of residence can be requested at any time throughout the admissions process. If false or misleading information is used to gain entry to the Academy, the offer of a place will be withdrawn and the application cancelled. If distances are equal lots will be drawn by an independent person to determine the allocation. If only one place at a school is available within the admissions number and there are twins in the family who have the next highest priority within the oversubscription criteria, we will offer places to both.
- 40 There will be a right of appeal to an Independent Appeals Panel for internal pupils refused transfer and external applicants refused admission.

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<sup>3</sup> Straight line distance and centre of buildings determined by the local authority GPS system.

### **Operation of waiting lists**

- 41 Subject to any provisions regarding waiting lists in the LA's co-ordinated admission scheme, the Academy will operate a waiting list for each year group. Where in any year the Academy receives more applications for places than there are places available, a waiting list will operate until the final term of the school year. . This will be maintained by the Company and it will be open to any parent to ask for his or her child's name to be placed on the waiting list, following an unsuccessful application.
- 42 Children's position on the waiting list will be determined solely in accordance with the oversubscription criteria set out in paragraph 38, or for post-16 paragraph 39 above. Where places become vacant they will be allocated to children on the waiting list in accordance with the oversubscription criteria.

### **Arrangements for Admitting Pupils to Other Year Groups, Including To Replace any Pupils who have left the Academy**

- 43 From 2011-2012 local authorities will co-ordinate admissions for in-year applications and for applications for year groups other than the normal point(s) of entry. This will not affect Academies' right to determine which applicants have priority for admission.
- 44 Subject to any provisions in the LA's co-ordinated admission arrangements relating to applications submitted for years other than the normal year of entry, the Company will consider all such applications and if the year group applied for has a place available, admit the child unless one of the permitted reliefs apply. If more applications are received than there are places available, the oversubscription criteria in paragraph 38 or for post-16 places, paragraph 39 shall apply. Parents whose application is turned down shall be entitled to appeal.

### **Arrangements for Admission of pupils as the Academy Builds to its Full Capacity**

- 45 The Academy will open on 1<sup>st</sup> September 2011 with a Published Admission Number relating to pupils in Year 7 and, where relevant, Year 12.
- 46 The Local Authority is changing from a three tier to two year structure on 1<sup>st</sup> September 2011. Displaced pupils will automatically transfer to the Academy from the Sandham, Lake and Forelands middle schools and Sandown High School, which close on 31<sup>st</sup> August 2011.
- 47 Admission to Year groups without a Published Admission Number will be based upon the size of teaching groups already existing in the Academy and the efficient use of resources.
- 48 There will be a right of appeal to an Independent Appeal Panel for unsuccessful applicants.

