

**Determined Admission Arrangements and
Oversubscription Criteria for
Community and Voluntary Controlled Schools
for the 2022/23 academic year**

Legal Framework

These arrangements and over-subscription criteria meet all lawful requirements including those set out in the following Acts, Codes, policies and relevant case law:

- Adoption Act 1976
www.legislation.gov.uk/ukpga/1976/36/contents
- Children Act 1989
www.legislation.gov.uk/ukpga/1989/41/contents
- School Standards & Framework Act 1998
www.legislation.gov.uk/ukpga/1998/31/contents
- Adoption and Children Act 2002
www.legislation.gov.uk/ukpga/2002/38/contents
- Education Act 2002
www.legislation.gov.uk/ukpga/2002/32/contents
- Equality Act 2010
www.legislation.gov.uk/ukpga/2010/15/contents
- School Admissions Appeals Code 2012
www.gov.uk/government/publications/school-admissions-appeals-code
- Children and Families Act 2014
www.legislation.gov.uk/ukpga/2014/6/contents
- School Admissions Code 2014
www.gov.uk/government/publications/school-admissions-code--2
- Oxfordshire County Council's Co-ordinated Admissions Scheme
www.oxfordshire.gov.uk/admissionrules

Over-subscription Criteria for entry to the Reception year group in Community and Voluntary Controlled Schools

In accordance with legal requirements, children who have an Education, Health & Care (EHC) Plan¹ naming the school will always be admitted.

The oversubscription criteria below will be followed in descending order of priority.

1. Children who are “looked after”² by a Local Authority (LA) within the meaning of Section 22 of the Children Act 1989 at the time of their application, and “previously looked after” children³.

¹ An Education, Health and Care plan is a plan made by the local authority under Section 37 of the Children and Families Act 2014 specifying the special education provision required for that child. ***This is therefore not an oversubscription criterion.***

² A 'looked after child' is a child who is either (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.

³ This group includes children who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see section 46 adoption orders).

The term “previously looked after” refers only to children who were looked after but ceased to be so because they were adopted (or became subject to a Child Arrangements Order⁴ or Special Guardianship Order⁵).

2. Children who were previously in state care outside England⁶ but have ceased to be in state care outside England because they have been adopted. Evidence of the previously looked after status and/or the adoption will be requested. Where such evidence is not available, Oxfordshire County Council will make a pragmatic decision based on the available information.
3. Children who live in the designated (catchment) area and have a brother or sister on roll at the time of application who will still be attending at the time of entry.
4. Children who live in the designated (catchment) area.
5. Children who have a brother or sister on roll at the time of application who will still be attending at the time of entry but live outside the designated (catchment) area.
6. All other children who do not live in the designated (catchment) area and do not have a brother or sister on roll at the time of application who will still be attending at the time of entry.

In all categories above, priority will be given to children who are eligible for Service Pupil Premium and then to children who live closest to the school by the straight-line distance as calculated by Oxfordshire County Council.

Over-subscription Criteria for entry to Year 7 in Community Schools

In accordance with legal requirements, children who have an Education, Health & Care (EHC) Plan⁷ naming the school will always be admitted.

The oversubscription criteria below will be followed in descending order of priority.

1. Children who are “looked after”⁸ by a Local Authority (LA) within the meaning of Section 22 of the Children Act 1989 at the time of their application, and “previously looked after” children⁹.

⁴ Under the provisions of Section 14 of the Children and Families Act 2014, which amend section 8 of the Children Act 1989, residence orders have now been replaced by child arrangements orders.

⁵ 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).

⁶ Children in state care outside England means those who were looked after or accommodated by a public or state authority or a religious organisation or any other provider of care whose sole purpose is to benefit society. The care may have been provided in an orphanage or other setting.

⁷ An Education, Health and Care plan is a plan made by the local authority under Section 37 of the Children and Families Act 2014 specifying the special education provision required for that child. ***This is therefore not an oversubscription criterion.***

⁸ A 'looked after child' is a child who is either (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.

⁹ This group includes children who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see section 46 adoption orders).

The term “previously looked after” refers only to children who were looked after but ceased to be so because they were adopted (or became subject to a Child Arrangements Order¹⁰ or Special Guardianship Order¹¹).

2. Children who were previously in state care outside England¹² but have ceased to be in state care outside England because they have been adopted. Evidence of the previously looked after status and/or the adoption will be requested. Where such evidence is not available, Oxfordshire County Council will make a pragmatic decision based on the available information.
3. Children who attend one of the designated feeder schools in the partnership (listed separately) and live in the designated (catchment) area and have a brother or sister on roll at the time of application who will still be attending at the time of entry.
4. Children who live in the designated (catchment) area and have a brother or sister on roll at the time of application who will still be attending at the time of entry.
5. Children who attend one of the designated feeder schools in the partnership (listed separately) and live in the designated (catchment) area.
6. Children who live in the designated (catchment) area.
7. Children who attend one of the designated feeder schools in the partnership (listed separately) and have a brother or sister on roll at the time of application who will still be attending at the time of entry but live outside the designated (catchment) area.
8. Children who have a brother or sister on roll at the time of application who will still be attending at the time of entry but live outside the designated (catchment) area.
9. Children who attend one of the designated feeder schools in the partnership (listed separately).
10. All other children who do not live in the designated (catchment) area and also do not attend a designated feeder schools in the partnership (listed separately) and also do not have a brother or sister on roll at the time of application who will still be attending at the time of entry.

In all categories above, priority will be given to children who are eligible for Service Pupil Premium and then to children who live closest to the school by the straight-line distance as calculated by Oxfordshire County Council.

¹⁰ Under the provisions of Section 14 of the Children and Families Act 2014, which amend section 8 of the Children Act 1989, residence orders have now been replaced by child arrangements orders.

¹¹ 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).

¹² Children in state care outside England means those who were looked after or accommodated by a public or state authority or a religious organisation or any other provider of care whose sole purpose is to benefit society. The care may have been provided in an orphanage or other setting.

“Looked After” children

A 'looked after child' is a child who is either

- (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 of the Children Act 1989) at the time of making an application to a school.

Previously “Looked After” children

The School Admissions Code 2012 introduced a requirement for all admission authorities to broaden the existing priority for 'looked after' children or children in care (defined in section 22 of the Children Act 1989) to also include 'previously looked after' children. Children who were 'previously looked after' were defined for admissions purposes as those who, immediately after being in care, became subject to an adoption, residence, or special guardianship order.

A revised School Admissions Code came into force on 19 December 2014 and this states that 'previously looked after' children include those who were adopted under the Adoption Act 1976 (see Section 12 - Adoption Orders) and not simply those children who were adopted under the Adoption and Children Act 2002 (see Section 46 - Adoption Orders). In addition, residence orders have now been replaced by child arrangements orders. Those who previously received a residence order are now deemed to have a child arrangement order.

If applying on behalf of a “previously looked after” child, the parent will need to provide the following evidence:

- an Adoption Order under Section 46 of the Adoption and Children Act 2002;
- an Adoption Order under the Adoption Act 1976;
- a Child Arrangements Order;
- a Residence Order settling the arrangements to be made as to the person with whom the child is to live under Section 8 of the Children Act 1989;
- a Special Guardianship Order appointing one or more individuals to be a child's special guardian(s), under section 14A of the Children Act 1989.

Children previously in state care outside England

In 2018 the Minister of State for Schools asked Admission Authorities to consider prioritising children who were previously in state care outside England. When reaching a decision whether to offer a place under Criterion 2, the Admissions Authority will determine whether a child should be considered under this Criterion based upon evidence from the applicant.

In 2020 the Secretary of State for Education consulted on a proposal to give the same priority for admission to children previously in state care outside England and who are no longer in care because they have been adopted, as that given to those who were previously looked after in England (see Previously “Looked After” Children above). If this proposal is agreed, and therefore included in a revised School Admissions Code, children who were previously in state care outside England and who have left care after adoption, will have an equal priority for entry as children previously looked after in England who have left care on adoption. The effect of this will be that Criteria 1 and 2 above will be amalgamated into a single over-subscription criterion.

Designated (Catchment) Areas

These can be viewed on the Oxfordshire public website. Living within a school's designated area gives a high priority for admission but there is no guarantee that a place will always be made available. There is also no guarantee that free transport will be provided to the designated (catchment) area school if it is not the closest or nearest available school.

Brothers and sisters (siblings)

For admissions purposes, a brother or sister is defined as one of the following:

- a brother or sister (both parents the same) living at the same home address;
- a half-brother or half-sister (one parent the same) living at the same home address;
- a stepbrother or stepsister (sharing a parent who is married or in a civil partnership) living at the same home address;
- an adopted child who, by reason of the adoption, now shares one or more parents with a child living at the same home address.

Time of Entry (siblings)

The admission rules give some priority to those with a brother or sister attending the relevant school at the applicant's "time of entry". This means that, in the normal admissions round and for admission purposes, there will be no recognition of a sibling connection for the following:

- applicants for entry to Reception year group in an infant school if they have a brother or sister in Year 2;
- applicants for entry to the Reception year group in a primary school if they have a brother or sister in Year 6;
- applicants for entry to Year 3 in a junior or primary school if they have a brother or sister in Year 6;
- applicants for entry to Year 7 if they have a brother or sister in Year 13;
- applicants for entry to Year 7 if they have a brother or sister in Year 11 and there is no expressed intention of staying on into Year 12;
- applicants for entry to Year 7 if they have a brother or sister in Year 11 and the school does not have a Sixth Form.

Twins and Children from Multiple Births

Where the parent has made the same preferences of school and, through the normal operation of the admission arrangements, the last available place at a school has been allocated to one twin, or child from a multiple birth, the other twin, or the other children from the multiple birth, will be offered a place at that school. This means that, in these circumstances, the Published Admission Number would be exceeded.

Children eligible for Service Pupil Premium

The following criteria determine the eligibility of children for the Service Pupil Premium (SPP):

- one of their parents is serving in the regular armed forces;
- they have been registered as a 'service child' on the January school census at any point since 2015;
- one of their parents died whilst serving in the armed forces and the pupil receives a pension under the Armed Forces Compensation Scheme or the War Pensions Scheme;
- pupils with a parent who is on full commitment as part of the full-time reserve service are classed as service children

Parents need to provide evidence of eligibility.

Measuring distances from home to school (The straight-line distance calculated by Oxfordshire County Council)

For admissions purposes for all schools where the Local Authority (LA) is the Admissions Authority for the school, and any OAA schools that have adopted the LA's measuring system, the straight-line distance from home to school will be calculated.

The start point of the measurement is the “**seed point**” of the home address. The “seed point” is provided by Ordnance Survey from information compiled from Royal Mail and Councils via Local Land and Property Gazetteer (LLPG). The seed point normally falls within the bounds of a property. The accuracy of seed points is to the nearest ten centimetres and uses the British Co-ordinate System (Easting/Northing). It is possible to move the location of an individual seed point, but this is not necessary for most addresses. It is not possible to verify the individual location of every seed point prior to measuring due to the number of addresses in Oxfordshire and surrounding areas.

The end point of the straight-line distance will be determined by the Admission Authority for each school. Where the LA is not the Admissions Authority, the relevant Admissions Authority will provide the determined end point to the LA.

The calculation of the distance will be made in metres using a Pythagoras calculation. This calculation will be converted into miles by dividing the distance by 1609.344 to achieve a distance in miles accurate to three decimal places.

For addresses outside the British Coordinate System an internet mapping solution will be used to determine a start point using longitude and latitude via getlatlong.net/ A straight line distance will then be calculated to the end point at the school in statute miles using www.nhc.noaa.gov/gccalc.shtml

Random Allocation

If the distance “tie break” produces an identical result for two or more applicants and these applicants live at different addresses and are not children of a multiple birth (see above), the Local Authority will use random allocation to determine who will be offered a place.

Home address

The address on the application **should be the child's address at the time of application**. This is the address at which the child spends most term-time school nights (Sunday night to Thursday night).

Entry to Reception year group in Community and Voluntary Controlled Schools

The **time of application** is the entire time period from the point when applications can start to be made in the November when the application process opens until 16 April (or next working day) the following calendar year.

Entry to Year 7 in Community Secondary Schools

The **time of application** is the entire time period from the point when applications can start to be made in the September when a child starts Year 6 and the application process opens until National Offer Day on 1 March (or next working day) the following calendar year.

Other applications (in-year applications)

The **time of application** is the entire time period from the point when the application is made until the date on which the child starts at the new school.

Changes of Address

Sometimes an application is made based on an address at the time of application and the address then changes after the application has been submitted. It is important to tell the Admissions Authority (and/or Local Authority) about changes of address so that places can be offered fairly, and so notification can be sent by post to the correct home address.

If the application address is found to have subsequently changed after the application was submitted and this information could have been provided when the application was first made or before places were offered, Oxfordshire County Council will consider the application to have been made on the basis of a fraudulent or intentionally misleading address (see below). This may result in the offer of a school place being withdrawn.

If an application is made based on a new address, or intention to move to an area, information about the new address will need to be provided for it to be considered.

Changes of Address for Entry to Reception year group in Community and Voluntary Controlled Schools

Changes of address which occur after the closing date for applications (15 January in the allocation year) can be considered if proof of this change is provided no later than the date in February stated in Oxfordshire County Council's co-ordinated admissions scheme.

Changes of Address for Entry to Year 7 in Community Secondary Schools

Changes of address which occur after the closing date for applications (31 October when the child is in Year 6) can be taken into account if proof of this change is provided no later than the date in November set down in Oxfordshire County Council's co-ordinated admissions scheme.

Changes of Address (all)

To confirm a new address, the Local Authority needs one of the following:

- A solicitor's letter advising that contracts have been exchanged (**if the property is being purchased**);

- A copy of a tenancy agreement (if the property is to be rented). **If this tenancy agreement comes to an end before the September when the child is due to start school, the Local Authority may not accept the address for admissions purposes;**
- A copy of the Council Tax Bill **showing the same name(s) as on the school place application (CAF);**
- **A letter from a new employer** (e.g. University college) where accommodation is being provided by the employer and is tied to the new post/job giving details of this new address;
- **Service Family Accommodation (New Quarter)** if this is a military posting with provided accommodation;
- **Assignment Order** if this is a military posting but no new quarter has yet been notified the address of the military base will be used for allocation purposes.

The Local Authority may also ask for proof from HM Revenue & Customs, Child Benefit Division or Tax Credits Division. **Any such correspondence must pre-date the application.**

Multiple Addresses

Where children spend time with parents at more than one address then the address given on the form should be the one that they live at (i.e. sleep at) for most of term-time school nights (Sunday night to Thursday night).

If children spend time equally at different addresses, then the address which will be used for admissions purposes will normally be the one registered for child benefit. The Admissions Authority (and/or Local Authority) will request proof of the registered address, which must pre-date the application.

Fraudulent Applications

If a place has been obtained on the basis of a fraudulent or intentionally misleading application (for example, a false claim to residence in a designated/ catchment area) and this results in the denial of a place to a child with a stronger claim, the local authority may withdraw the offer of the place. This follows the guidance in paragraphs 2.12 and 2.13 of the School Admissions Code (December 2014) published by the Department for Education:

*“[2.12] An admission authority **must not** withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. Where the parent has not responded to the offer, the admission authority **must** give the parent a further opportunity to respond and explain that the offer may be withdrawn if they do not. Where an offer is withdrawn on the basis of misleading information, the application **must** be considered afresh, and a right of appeal offered if an offer is refused.*

*[2.13] A school **must not** withdraw a place once a child has started at the school, except where that place was fraudulently obtained. In deciding whether to withdraw the place, the length of time that the child has been at the school **must** be taken into account. For example, it might be considered appropriate to withdraw the place if the child has been at the school for less than one term.”*

Multiple Applications (Applicants unable to agree on the schools to be listed on the application)

If parents cannot agree on the schools to list on the application and submit separate applications, the Local Authority will normally only consider the application made by the parent who receives Child Benefit for that child.

If a parent is unhappy with this decision their recourse would be to seek an order from the Court.

“Shortest safe route” for home to school travel assessments

This is measured from the same start point defined in the straight-line distance measuring rules (see above). From the start point the route firstly connects to the nearest point of the digitised network.

The digitised network is constructed from road data supplied by Ordnance Survey called the Integrated Transport Network (ITN). The Integrated Transport Network has been accurately digitised to measure along the centre of roads and takes corners at right angles. This is the same underlying information used by internet-based mapping solutions (e.g. Google Maps). However, the LA has a more accurate start point than internet-based mapping solutions and the ITN has been augmented by the LA to take into account other available public routes (e.g. alleyways, public footpaths, bridleways, etc). The augmented ITN used by the LA is accurate to at least 1 metre.

All 548,000 kilometres of roads in Great Britain are accurately mapped in a consistent and logical network. The network does not include routes that are not defined as public; these include crossing parks with no paths where the park is not open and available all the time, “short-cuts” across patches of open land without paths, or footpaths across private land which are not defined by Ordnance Survey as public routes.

The end point of the route is the nearest open gate of the school first arrived at from the direction of travel that is officially available for use by students for entry and exit to the school site at the start and end of the school day. The location of these gates has been set by the Admissions Authority. The LA consults with each individual school annually to ensure accurate placement of gates and their availability for use.

The shortest safe route is established using an algorithm within the bespoke software used by the LA. This software is called RouteFinder and is produced by Higher Mapping Solutions (www.highermappingsolutions.com). This programme integrates with the LA’s database.

RouteFinder measures in kilometres and the measurement is converted into miles accurate to three decimal places, which gives an accurate reading up to 1.609344 metres.

The shortest safe route is not necessarily a driving route because it may use, in whole or in part, a non-driveable route (e.g. footpaths). The shortest safe route is also not necessarily a walking route because, for example, where the measurement uses a road, the route is along the centre of the road not along the edge (pavement or equivalent) of the road. In calculating the shortest safe route, certain parts of the network of roads and/or paths have been specified as unsafe and the route will use an alternative which will be longer. This longer distance will be used to determine whether a child is eligible for free home to school travel assistance.

Other measuring systems may give a different measurement but the Council cannot take a measurement from another measuring system into account because this would lead to

inconsistency in the method used to measure the shortest safe route and determine a child's eligibility for free home to school travel assistance.

Home to School Travel Assistance

Some children qualify for free travel assistance from home to school.

Oxfordshire County Council does not accept responsibility for the provision or cost of free travel assistance to the designated area school if it is not the closest or nearest available school and the school is beyond the statutory walking distance, or there is no safe walking route to the closest or nearest available school, even if accompanied by a responsible adult.

Where a child is eligible for free travel assistance, but spends time with different parents at different addresses, Oxfordshire County Council will only accept responsibility for the provision and/or cost of free travel from the registered home address.

The home to school transport policy is available online.

www.oxfordshire.gov.uk/schooltransport

Admission to an older or younger age group

A parent may seek a place for their child outside the normal age group, for example because their child has experienced problems or missed part of a year due to ill health. Any decision will be made on the circumstances of each case. This will involve:

- considering the parent's views;
- any information about the child's academic, social and emotional development;
- whether they have previously been educated out of their normal age group;
- the professional opinion of the head teacher of the school(s) concerned.

When informing a parent of the decision on the year group to which their child should be admitted, the Local Authority will give clear reasons for the decision. Where it has been agreed that a parent's request for their child to be admitted out of their normal age group and, as a consequence of that decision, the child will be admitted to a relevant age group (i.e. the age group to which pupils are normally admitted to the school) the application will be:

- processed as part of the main admissions round, unless the parental request is made too late for this to be possible;
- considered against the determined admission arrangements only, including the application of oversubscription criteria where applicable.

If the Local Authority agrees that a child can be considered for a place in a different year group to their chronological year group it will not give any lower priority for a place based on that child being of a different chronological year group.

A parent's statutory right to appeal against the refusal of a place at a school for which they have applied will not apply if they are offered a place at the school, but it is not in their preferred age group. In addition, unless the child has been considered for a place out of year group, if no place has been offered in the age appropriate year group any right of appeal will be for a place at the school, not for a place in the year group requested by the parent.

Fair Access Protocol

The Fair Access Protocol is part of the admission arrangements for all community and voluntary controlled schools in Oxfordshire and all OAA schools that have also adopted these admission arrangements.

The Protocol is published on the County Council's public website:

www.oxfordshire.gov.uk/admissionrules

Continued Interest Lists (CILs)

Parents will be able to place their child's name on the Continued Interest List for a Community or Voluntary Controlled school when a place could not be offered, and a lower preference was offered instead.

CIL duration for Entry to Reception year group in Community and Voluntary Controlled Schools

For those applying through the normal admissions round for entry to the Reception year group, the CIL will be maintained from shortly following initial allocation in the April preceding the start of the academic year in September until the end of June of their Reception year.

CIL duration for Entry to Year 7 in Community Secondary Schools

For those applying through the normal admissions round for entry to Year 7 in a secondary school, the CIL will be maintained from shortly following initial allocation in the March preceding the start of the academic year in September until the end of June of their Year 7 year.

CIL duration for other age ranges

In the case of those applying in year, the CIL will be maintained until the end of June of that academic year. It will be possible to place a name on the list from 1 August, the beginning of the academic year, and the list will be discontinued at the end of June each year. Children will not be automatically moved to a new CIL for the following academic year. A re-application will be necessary each year.

The CIL policy is published on the Council's website:

www.oxfordshire.gov.uk/continuedinterest

In-Year Admissions (Reception to Year 11)

All community and voluntary controlled schools are part of the coordinated in year admissions process for Oxfordshire.

The In-Year Admission Scheme is published on Oxfordshire County Council's public website:

www.oxfordshire.gov.uk/admissionrules

Community and Voluntary Controlled Schools converting to Academy Status

When a school converts to academy status the school retains the existing admission arrangements. However, any new academy can consult on amending these at the next available opportunity.

Paragraph 1.42 of the 2014 School Admissions Code states that Admission Authorities must

consult on their admission arrangements at least every 7 years, even if there have been no changes to the arrangements in that period.

Therefore, unless a former Community or Voluntary Controlled school converting to Academy status in 2022/23, and subsequent years, specifically consults upon, and adopts, different admission arrangements, the arrangements set out in this document will continue to apply.

Admission Appeals

There is a statutory right to an admission appeal should a child be refused a place at a school. All community and voluntary controlled schools will take part in the independent admission appeals service set up by Oxfordshire County Council:

www.oxfordshire.gov.uk/schoolappeals

Determined

Paragraph 1.46 of the 2014 School Admissions Code requires Admission Authorities (and/or the Local Authority) to determine Admission Arrangements by 28 February each year regardless of whether a consultation has taken place.

Objections to these arrangements and rules can be made to the Office of the Schools Adjudicator by 15 May 2021.

<https://www.gov.uk/guidance/schools-adjudicator-make-an-objection-appeal-or-referral#objections-to-and-referrals-about-determined-school-admission-arrangements>

A handwritten signature in black ink, appearing to read 'KSG', is positioned above a horizontal line. The signature is written in a cursive style.

24.2.21

Date

Signature
Kevin Gordon
Director of Children's Services