

**Determined** 14-19 Academy Admission Criteria September 2016



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# **BOA**

## **Admissions policy**

**Date of Issue: September 2016**  
**Date of Review: September 2017**

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## Admissions Policy

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### **THE ADMISSION OF PUPILS TO THE BIRMINGHAM ORMISTON ACADEMY**

Version 11D incorporating DCSF comments

#### **GENERAL**

1. This annex may be amended in writing at any time by agreement between the Secretary of State and the Academy Trust.
2. The Academy Trust 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 Children, Schools and Families ("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 governing body of the Academy Trust.
3. Notwithstanding the generality of paragraph 2 of this Annex B, the Academy Trust will take part in the Admissions Forum set up by the 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 Academy Trust to admit a named pupil to the Birmingham Ormiston Academy on application from a local authority. Before doing so the Secretary of State will consult the Academy Trust.
  - (b) direct the Academy Trust to admit a named pupil to the Birmingham Ormiston Academy if the Academy Trust 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 Academy Trust 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 Academy Trust. The Independent Appeal Panel will be independent of the Academy Trust. The arrangements for appeals will comply with the School Admission Appeals Code published by the Department for Children, Schools and Families as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.

6. The Academy Trust 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 Academy Trust 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**

7B Subject to paragraph 7C, "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).

7C. If the Academy does not consider this meaning to be appropriate, it must apply to the Secretary of State by 1 August for a determination, setting out the reasons for this view.

7D. The Secretary of State will consider the Academy's application and will by 30 September either:

- a. determine the area for consultation; or
- b. determine that the meaning within paragraph 8 should apply.

7E. The Secretary of State may consult the local authority before making such a determination

7F. Within 14 days of the Secretary of State's determination, the Academy will notify the consultees listed in paragraph 8 of the determination.

7G. In the event of a paragraph 7Da 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**

8. The Academy Trust shall consult the following parties on the Academy's proposed admission arrangements for a minimum of eight weeks between 1 November and 1 March in the 'Determination Year'<sup>11</sup>:

- a) Birmingham Local Authority
- b) The admission fora for Birmingham, Sandwell, Dudley, Walsall, Wolverhampton, Solihull and Coventry local authorities.
- 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.

9 From 2011-12, and for subsequent years, consultation in line with paragraph 8 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.

10 As soon as any changes are made to arrangements, or proposed, the consultation cycle in paragraph 8 must be followed for the next determination year.

#### **Academy Trust Determination of Admission Arrangements**

11. The Academy Trust will consider comments made by those consulted in accordance with paragraph 8, including any requests to amend the proposed admission number, before determining the admission arrangements for the Academy.

12. The Academy Trust will determine the Academy's admission arrangements annually by 15 April of the Determination Year and notify consultees listed in paragraph 8 what has been determined within 14 days of that decision being made.

#### **Representations about admission arrangements**

13. Where the Academy Trust has determined the Academy's admission arrangements and notified all consultees listed in paragraph 8, if any of those persons or bodies objects 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 June in the Determination Year.

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

14. Where the admission arrangements determined in a Determination Year in accordance with paragraph 12 are different from the admission arrangements currently in existence for the Academy, the Academy Trust shall by 30 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**

15. Where the Secretary of State has received any representations made in accordance with paragraph 13, the Secretary of State must consult the Academy Trust on such representations. Following such consultation, by 31 July in the Determination Year the Secretary of State may direct that the Academy Trust amends the proposed admission arrangements for the Academy. The Academy Trust shall comply with any such direction.

16. Where the Secretary of State has received an application made in accordance with paragraph 14 seeking his consent to any amended admission arrangements, the Secretary of State must by 31 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 Academy Trust must comply with any such direction.

#### **Publication of Admission Arrangements**

17. The Academy Trust shall each Determination Year publish the Birmingham Ormiston Academy's agreed admission arrangements by:

- a) copies being sent to the persons consulted in paragraph 8;
- b) copies being sent to primary and secondary schools in the LA's area;
- b) copies being sent to the offices of the LA;
- c) copies being made available without charge on request from the Academy;
- d) 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.
- e) a copy being uploaded to the Academy's website (if it has one).

18. The published admission arrangements will set out:

- a) the name and address of the Birmingham Ormiston 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 Birmingham Ormiston Academy After Arrangements Have Been Published**

19. Subject to paragraph 20, once the Academy's admission arrangements have been determined for a particular year and published, the Academy Trust 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 Academy Trust has consulted those who are required to be consulted under paragraph 8 above on the proposed variation;
- b) following such consultation, the Academy Trust 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.

20. The Academy Trust 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.

21. Any changes to the Academy's admission arrangements brought about through the variation processes in paragraphs 19 or 20 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 8.

22. The Academy Trust 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.

23. Where a representation is made in accordance with paragraph 22, the Secretary of State may, after consulting the Academy Trust, direct that the Academy Trust 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 Academy Trust must comply with any such direction.

24. Records of applications and admissions to the Academy shall be kept by the Academy Trust 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)**

25(a). The Academy Trust has the following agreed admissions numbers for the Academy for the year **2016/2017** and, subject to any changes approved or required by the Secretary of State, for subsequent years:

150 places for students in Year 10

25(b) The Birmingham Ormiston Academy operates a sixth form for a total of 650 students. 325 places overall will be available in year 12 (the year 12 'capacity')

The admission number for year 12 is 175.

This is the number of places which will be offered on an annual basis to eligible external applicants.

If fewer than 150 of the Academy's own year 11 pupils transfer into year 12, additional external pupils will be admitted until year 12 meets its capacity of 325.

26. In any specific year, the Academy Trust may set a higher admission number than the Birmingham Ormiston Academy's agreed admission number for an applicable year group. Before setting an admission number higher than its agreed admission number, the Academy Trust will consult those listed at paragraph 8. 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.

27. 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 8.

#### **Process of Application**

28. Arrangements for applications for places at the Birmingham Ormiston 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 and on the Birmingham Ormiston supplementary form.

29. The areas served by the Birmingham Ormiston Academy will be divided into inner and outer catchment areas. The inner catchment area will be Birmingham and its neighbouring metropolitan authorities (Coventry, Dudley, Sandwell, Solihull, Walsall, and Wolverhampton). The outer catchment area will be Worcestershire, Herefordshire, Shropshire, Staffordshire, Stoke on Trent, Telford and Wrekin and Warwickshire.

30. The Academy Trust will use the Birmingham Local Authority's timetable for applications to the Birmingham Ormiston Academy each year (exact dates within the months may vary from year to year). This will fit in with the indicative timetable below for the co-ordination of admission arrangements within Birmingham LA, to be agreed by the Birmingham Admission Forum, Birmingham LA, local schools and Academies.

a) **By September** - The Academy Trust will publish in the Birmingham Ormiston Academy's prospectus information about the arrangements for admission, including oversubscription criteria, for the following September (e.g. in September 2015 for admission in September 2016). This will include details of open evenings and other opportunities for prospective pupils and their parents to visit the school. The Academy Trust will also provide information in relation to the Birmingham Ormiston Academy to Birmingham LA and other relevant LA's for inclusion in the composite prospectus, as required;

b) **September/October** - The Academy Trust will provide opportunities for parents to visit the Academy;

c) **October** – Common Application Form to be completed and returned to the pupil's home LA to administer. Supplementary Application Form (available from Academy website and Birmingham LA composite admissions prospectus) to be returned to the Academy.

c) Birmingham LA sends Academy applications to the Academy Trust;

d) **November-February** –The Birmingham Ormiston Academy conducts its selection procedure, and **sends list of pupils to be offered places at the Academy to Birmingham LA by the dates agreed in the locally co-ordinated scheme.**

e) **1 April** – applicants' home LAs make offers to parents.

31. From 2014/2015 there will be a national closing date for applications as follows:

a) 31 October for secondary applications; and

b) 15 January for Primary applications

The Academy will ensure its application processes enable parents to apply before these deadlines.

#### **Consideration of Applications for Year 10**

32. The Academy Trust will consider all applications for places at the Birmingham Ormiston Academy. All applicants will be required to take the aptitude assessments.

The Academy will admit: -

- all children with a statement of special education needs in which the Birmingham Ormiston Academy is named and it is agreed that the Academy can meet the needs of the child; and
- all looked after children or children who were previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order. 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). In the case of previously looked after children, the Academy may request a copy of the adoption order, residence order or special

guardianship order and a letter from the local authority that last looked after the child confirming that he or she was looked after immediately prior to that order being made.

When oversubscribed, the Academy will then give priority to students having an aptitude in the visual and performing arts, as demonstrated through its aptitude assessments. The Academy Trust will offer places at the Birmingham Ormiston Academy to all those who have applied and have demonstrated the relevant aptitude, in the following order of priority:

- a) Up to 90% of the remaining places will be offered to students living in the inner catchment area (see paragraph 29)
- b) Up to 10% of the remaining places will be allocated to students living in the outer catchment area (see paragraph 29).
- c) If there are insufficient applications in criterion a) the remaining places will be allocated to those in criterion b) and vice versa.

If the Academy is oversubscribed overall from within categories a-c above, the score in the aptitude assessment will be applied as a tie-breaker with those scoring the highest having priority for admission. If the Academy is oversubscribed overall from within categories a-c above and aptitude assessment scores are equal, distance will be applied as a tie-breaker with those living closest to the main door of the Academy having priority for admission. Distances are calculated according to a straight line measurement between the applicant's home address and the front door of the Academy. Where parents have shared responsibility for a child, and the child lives with both parents for part of the week then the main residence will be determined as the address where the child lives the majority of the week. Parents may be requested to supply documentary evidence to satisfy the Academy that the child lives at the address put forward.

#### **Procedures for admission where the Birmingham Ormiston Academy is undersubscribed by those with an aptitude**

33.a) Where the Academy is oversubscribed by applicants but undersubscribed by those with an aptitude in the specialisms, after all relevant statemented children and looked after children are admitted all those demonstrating an aptitude will be admitted before those who have not demonstrated an aptitude. Criteria 32 a) to c) will be applied to those not having demonstrated an aptitude.

33b) Where fewer applicants than the published admission number for the relevant year groups are received, the Academy Trust will offer places at the Academy to all those who have applied.

34. The Birmingham Ormiston Academy will determine each year its arrangements for assessing aptitude. These will be consulted upon annually with those in paragraph 8 and published in each Local Authorities' composite admissions prospectus alongside the admissions arrangements. The assessment must be clear, fair and objective, and must only assess the student's aptitude and not other factors. No student will be assessed for academic ability.

#### **Post 16 admission criteria**

35. The Birmingham Ormiston Academy has places for up to 650 students in the 16-19 age range and there is an automatic right of transfer to the post 16 section of the school from year 11 for those students.

36. After internal transfers, the admissions and oversubscription criteria in paragraphs 32 to 34 will be applied to external applicants in order. The admissions procedure to determine aptitude will be similar to the admission at year 10. If a course is full existing pupils at the Academy will be given



priority for that course. External pupils who pass the aptitude test will be offered alternative course options according to course availability.

37. There will be a right of appeal to an Independent Appeals Panel for unsuccessful applicants.

#### **Operation of waiting lists**

38. Where in any year the Academy receives more successful applications for places than there are places available, a waiting list will operate until the end of the first term after the start of the school year. This will be maintained by the Academy Trust and it will be open to any parent to ask for his or her child's name to be placed on the waiting list.

39. Any child that is unsuccessful at their first assessment can request a second chance in the assessment process, within an agreed time limit.

A second chance will be granted in exceptional circumstances only, where an applicant may not have been able to demonstrate their aptitude, for example through illness.

40. Children's position on the waiting list will be determined solely in accordance with the oversubscription criteria set out 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 Birmingham Ormiston Academy**

41. From September 2014, in-year applications (applications for year groups other than the normal point(s) of entry) should be made directly to the Academy. The Academy will consult with the local authority regarding in-year applications. This will not affect Academies' right to determine which applicants have priority for admission.

42. 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, Academy Trust 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 applies. If more applications are received than there are places available, the oversubscription criteria shall apply. Parents whose application is turned down shall be entitled to appeal.

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

43. The Birmingham Ormiston Academy opened on 1 September 2011 with a Published Admission Number relating solely to pupils in Year 12.

44. Admission to year groups without a Published Admission Number will be based upon the size of teaching groups already existing in Birmingham Ormiston Academy and the efficient use of resources.

44. There will be a right of appeal to an Independent Appeal Panel for unsuccessful applicants. Any requests for formal appeals must be in writing and marked for the attention of 'The Principal' on or before the published date (e.g. in 2015, the published date in all letters to applicants was Friday 8<sup>th</sup> May 2015)

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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 2009 and determination to be in April 2009 for admissions in September 2009.)