

# Policy 9: Denbighshire School Admissions and Transport Policy 2010/11

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## **9.1 The Admission Authority**

The entry of children to schools is controlled and administered by an 'Admission Authority'.

In the case of community schools and voluntary controlled schools (those offering education founded on Christian principles and values) in Denbighshire, Denbighshire County Council is the recognised Admission Authority and is responsible for the admission arrangements for these schools. For community and voluntary controlled schools, the school's governing body is under a duty to implement Denbighshire's decision on admission applications, and to act in accordance with Denbighshire's admission arrangements.

In the case of voluntary aided denominational schools, the Admission Authority is the governing body of the individual school. Further information about admission arrangements for each individual voluntary aided and Trust school is available in the Authority's Schools' Information Guide.

## **9.2 Parental preference for Statutory Education**

The Local Authority has a statutory duty to have regard for the general principle that pupils are to be educated in accordance with the wishes of their parents so far as that would be compatible with the provision of efficient education and the avoidance of unreasonable public expenditure (s86 of the School Standards and Framework Act 1998).

In the vast majority of cases, parents choose their nearest suitable school, but it is legally necessary for the Local Authority to allow all parents/guardians/carers the opportunity to express a positive

preference for the school they would wish the child to attend and in Denbighshire this opportunity is provided on the "Admission to School" application form in the section entitled 'Parental Preference'. This duty does not apply to nursery provision but Denbighshire aims to have regard for the principle for all stages of education.

The Authority has a duty to meet the preferences for admission expressed by parents ahead of those who have expressed no preference. Consequently, parents must ensure they return the 'Admission to School' form expressing their preference by the stated deadline for the Admission Round (please refer to Section 9.4), and not automatically assume that a place will be available for their child at a particular school, even though that may be their nearest suitable school. The 'Parental Preference' form also allows parents to list more than one school in priority order. However, it is not always possible to meet parental preference and there are some cases the duty to comply does not apply.

### **9.3 Where the Duty to Comply with Parental Preference does not apply.**

The duty under which the Local Authority and school governors must comply with Parental Preference does not apply where:

- to admit the child would prejudice the provision of efficient education or efficient use of resources. This usually applies where to admit all applications would be to admit additional pupils over and above the Admission Number and would result in more pupils than the school can accommodate (please refer to Section 9.5)
- the child has been permanently excluded from two or more schools and at least one of the exclusions took place after September 1997. The requirement to comply with parental preference does not apply for a period of two years following the second exclusion. This does not apply to children who were below statutory school age when they were excluded or to pupils who were reinstated after exclusion
- to admit would be incompatible with the statutory duty to meet infant class size limits of 30 (please refer to Section 9.7)

### **9.4 Admission Round and Relevant Year Groups**

The expected timetable for processing applications for admissions to nursery, infant, junior, primary and secondary schools is published every year in the Schools' Information Guide and on the Denbighshire County Council website. The Admission Round usually opens in October and closes at the beginning of December with the parents being informed of allocated places in the March prior to September of the admission year. The normal Admission Round allows for the consideration of applications for places for pupils of relevant transfer age into relevant year groups as follows. For admission to schools other than at relevant age groups or at times other than during the normal admission round please refer to Section 9.11.

- **Entry to non statutory provision:**
  - relevant year group: Nursery
  - relevant age: the academic year in which the child is three  
(Please refer to section 9.8 for more detail)
- **Entry to school provision**
  - Relevant year group: Reception - Infant or Primary School

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- Relevant age: the September after the fourth Birthday. (Although it is not statutory for the child to start school until the term after the Fifth birthday, in practice most children start school at the beginning of the academic year in which they turn five)
- **Transfer between Infant and Junior School**
  - Relevant year group: Year 3
  - Relevant age: the September after the child's seventh birthday
- **Entry to Secondary School**
  - Relevant year group: Year 7
  - Relevant age: the September after the child's eleventh birthday

### 9.5 Measured Capacity and Admission Number

The Measured Capacity of a school is the number of pupils it can accommodate. The Measured Capacity is determined by a formula prescribed by the Welsh Assembly Government and is the basis for determining the Admission Number.

The Admission Number is the number of pupils who should be admitted to a relevant year group if sufficient applications for places are received during the normal admission round. During the normal admission round pupils may not be refused a place at their preferred school until the Admission Number for that relevant year group is reached. The Admission Number for each school is published annually in the Schools' Information Guide.

Where, during the normal Admission Round, more parents have expressed a preference for a school in the particular relevant year group than there are places available, the oversubscription criteria will be applied. (Please refer to Section 9.6). For applications outside of the normal admission round or for admission to year groups other than the relevant year groups as detailed in Section 9.4, please refer to Section 9.11

### 9.6 Over Subscription

Where, during the normal admission round, more parents have expressed a preference for a place at a school (excluding nursery, for nursery, please refer to Section 9.8) in the particular relevant year group than there are places available, the oversubscription criteria will be applied in the following rank order: -

1. Pupils for whom there are exceptional social reasons (e.g. looked after children), which in the judgement of the Authority justify admission to the school.
2. Pupils for whom there are exceptional medical or educational reasons which, in the judgement of the Authority justify admission to the school (the reasons must be supported by a statement from a registered medical professional, an education professional or registered social worker).
3. Pupils resident within the designated catchment area, where defined.
4. Pupils for whom it is the nearest school suitable for their age, parental language preference (Schools offering Welsh Medium provision in accordance with the Authority's Welsh Medium Education Policy) or parental denominational preference (controlled schools offering education founded on Christian principles and values) –

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as measured by walking distance from the nearest available school gate to the pupils home.

5. Siblings of pupils already admitted under 2.
6. Siblings of pupils already admitted under 3.
7. Siblings of pupils already admitted under 4.
8. Siblings of pupils already admitted under 9.
9. Pupils living outside of the designated catchment area where defined, ranked by the distance to the next nearest suitable school measured by the shortest walking distance.

Please note: A sibling is classified as a full or half brother/sister, an adopted brother or sister or a child living in the same household.

**The Authority aims to meet parental preference wherever possible. However, there are a small number of schools within the Authority that are oversubscribed and therefore it may not be possible to allocate a place at the first choice school. If a parent is refused they will receive written confirmation, stating the reasons, they will also be considered for the second choice school (if stated) and provided with information regarding the appeals process.**

### 9.7 Infant Class Size

The Authority will act in accordance legal requirements to secure compliance with the statutory limit on infant class sizes prescribed under Section 1 of the School Standards and Framework Act 1998, and the desirability of limiting junior classes to 30 pupils.

Admission Authorities are not required to admit a child to an infant class where to do so would be incompatible with the duty to meet infant class size limits. Pupils not admitted will be offered a place at the next nearest suitable school.

Should the Authority deem it appropriate to approve more than 30 applications for an infant class size during the admission round, the Authority and the school will ensure that class size limit is met by either internal reorganisation within the school or the provision of extra accommodation.

### 9.8 Nursery Provision

Denbighshire County Council provides free, part-time, early years education for eligible three year olds from the term following their third birthday. The provision is not statutory and parents are not obliged to take up the place for their child.

Children who will be **three years of age on or before the 31 August** of the admission year will be eligible to start nursery school in the September of the admission year. Nursery provision is available on a 0.5 basis at all of the Authority's schools that cater for the 3-7 and 3-11 age groups. The Authority is committed to the principle of providing a place where parents have expressed a preference. However, where the number of applications exceeds the number of places available, the Authority will apply the oversubscription criteria as detailed in 9.6.

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There is no statutory right of appeal against a decision by the Authority to refuse a nursery place. There is no right to transport for nursery provision.

**Parents should note that pupils who are admitted to the nursery class will not have automatic right to continued education at the same school for full time education. All parents of children attending a nursery provision will be required to complete an 'Admission to School' form stating parental preference for statutory school.**

For children who will be **three years of age between 1 September and 31 December** of the admission year they will be eligible for a place in a non-maintained setting for the second term and third term of the academic year.

For children who will be three years of age between 1 January and 31 March of the admission year they will be eligible for a place in a non-maintained setting for the third term of the academic year.

Settings in the non-maintained (voluntary or private) sector must be registered with the Foundation Phase Team and C.C.S.I.W to ensure high standards and quality provision. An application for admission to a non-maintained provision can be made by contacting the Foundation Phase Team at the Local Authority.

### **Welsh Medium Provision**

Denbighshire's policy is that every child should have the opportunity to learn and use Welsh language effectively. In addition, the Authority is committed to expanding the provision of Welsh medium education and ensuring that all children and young people in Denbighshire have the opportunity to be bilingual. Details regarding opportunities to transfer into Welsh medium education, language support programmes for those in two language medium schools and immersion schemes for transfer to Welsh medium secondary provision are available in the Schools' Information Guide.

Each individual school in Denbighshire is categorised according to Welsh Medium provision, using categories (designation) defined by WAG. Please refer to the Promoting Bilingualism policy and the Schools' Information Guide for further information relating to Welsh language categorisation.

For transport arrangements to Welsh Medium provision please refer to Section 9.15

### **9.10 Denominational Provision**

Parents have the right to express preference for any school but in accordance with the Authority's Oversubscription Criteria, those expressing a preference for a Voluntary Controlled school because of the denominational status are given higher priority for this school. Those expressing a preference for a Voluntary Controlled school on this basis will be expected to demonstrate that the pupil or parents/guardians are committed to the religious ethos of that school.

For information relating to transport arrangements to all denominational schools please refer to Section 9.15.

### **9.11 Special Needs Provision**

The aim of the local Authority is to make suitable and relevant educational provision for all children with special needs so that they may be enabled to develop their potential to the maximum. Special needs provision is provided in mainstream schools and also special schools dependent upon the individual requirements of the child.

Children having special educational needs are assessed by a team of appropriate professionals including educational psychologists, education social workers, teachers with specific skills and specialists in community medicine. Appropriate provision is then determined according to the individual assessment of need.

### **9.12 Transferring to a school at times other than for relevant year groups during the normal admission round**

Parents, who move into the Denbighshire during the academic year, will be required to complete a 'School Admission/ Transfer' form requesting admission to school.

Similarly, if parents move within the County they may wish to seek admission to a different school. Again, the parent would be required to complete a 'School Admission / Transfer' form requesting admission to the school.

Parents may wish to apply for a place at a different school for other reasons. If parents are not moving house, they should, in the first instance, discuss with the headteacher of the current school any issues they may have. There is a significant amount of research which shows that changing schools is disruptive and can have a negative impact on a pupil's achievements. It is important to give careful consideration, especially for those pupils in Years 10 and 11. A 'School Admission / Transfer' form is required to be completed for any transfer to be considered.

Unless you have moved into the area, transfers are normally only considered for the start of a school term.

The Authority aims to meet parental preference wherever possible. However, there are a small number of schools within the Authority that are oversubscribed and therefore it may not be possible to allocate a place at the first choice school. **If a parent is refused they will receive written confirmation, stating the reasons and provided with information regarding the appeals process.**

### **9.13 Registering an Appeal**

Should the Authority be unable to meet parental preference, the parent, guardian or carer will be notified in writing with details of the reasons for refusal. They will be advised of their right of appeal against the decision to an independent appeal panel. The parent, guardian or carer will be offered a place for the child at an alternative school. The parent, guardian or carer may then accept the alternative placement or proceed to appeal.

In the case of an appeal, the Authority will initiate the statutory appeals procedure and an independent panel will be arranged to hear the appeal. Parents will be given an opportunity to present their case at the hearing and may be accompanied by a friend or representative. The Appeal Panel's decision will be final.

#### **9.14 False Information**

When considering whether a child lives in a school's intended geographic area, it is the permanent address of the parent or legal guardian that the Authority considers to satisfy the admissions criteria, irrespective of the family's domestic arrangements.

This is to say, the address of another relative, childminder or other, must not be given. The Local Authority must be informed immediately of any change of address.

Where a parent gives fraudulent or intentionally misleading information to obtain the advantage of a particular school for their child to which they would not otherwise be entitled, the Local Authority reserves the right to withdraw the offer of the place. Where a place is withdrawn, the application may be resubmitted and if refused, the parent is entitled to appeal against the decision.

Where there is doubt about the permanent address of a pupil, the Authority reserves the right to seek clarification.

#### **9.15 Home to School Transport Policy**

The minimum (statutory) provision of transport

The Authority provides free transport for pupils of statutory school age attending infant, primary or junior school:

- where a child resides over two miles from the nearest suitable school.

The Authority provides free transport for pupils of statutory school age attending secondary school:

- where the child resides over three miles from the nearest suitable school.

**All Drivers and Pupils will act in accordance with the Code of Behaviour on School Transport as detailed in the Schools' Information Guide.**

#### **Nearest Suitable School**

Transport will be provided to the school designated by the Authority to serve the pupil's home address, or the nearest suitable school. The nearest suitable school is deemed by the Authority to be one which:

- provides education for the relevant age of a pupil,

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- is the nearest school meeting the language preference in accordance with the Authority's policy on Welsh medium education. (Please refer to Section 9.9)
- meets the denominational preference in accordance with Section 9.10. Please note that the Authority will only consider those pupils who have been admitted to a Voluntary Controlled or Voluntary Aided school in accordance with Section 9.10 to be attending their nearest suitable school. Those pupils admitted to Voluntary Controlled or Voluntary Aided schools as a result of other parental preference factors and for whom the school is not the nearest school will not be entitled to transport.
- in the judgment of the Authority, provides a reasonable range of courses.

N.B. The Authority has no legal responsibility to provide free transport to pupils who are not of statutory school age.

## Extensions Beyond the Minimum (statutory) Provision of Transport

### Free Transport

In addition, the Authority may provide free transport for pupils where:

- the pupil is of statutory school age and the Authority considers the route to school to be hazardous
- a child attending his/her suitable school requires transport on medical grounds and no suitable public transport exists (such requests **must** be supported by written recommendation a registered medical professional)
- transport to an identified school is essential, in the judgement of the Authority (e.g. looked after children) or in a pupil's statement of Special Educational Needs. This would normally be on medical, social or educational grounds and must be supported by a statement from an educational professional or registered social worker.

### Concessionary Transport

The Authority may provide Concessionary Transport, at a cost, where a pupil does not qualify on the above criteria but can be placed on an existing contract transport route, which has empty seats. In these circumstances:

- A charge will apply; this charge is currently £50.00 per term and will be subject to an annual review.
- Concessions may be withdrawn at short notice, with pro-rata rebate, when seats become unavailable.
- Under the Transport Act 1985, concessionary fares cannot be made where public service transport runs along a school route at convenient times for the start and finish of the school day.
- The Authority must determine the number of eligible pupils requiring transport in order to identify whether or not spare places are available on contract vehicles. Therefore concessionary passes may not be issues until a few weeks into the school year.

### **Travelling Expenses for Parents of Pupils Placed by a Statement of SEN in Schools Outside Denbighshire.**

Where pupils are placed in boarding schools more than 100 miles from home, the Authority will assist with travelling expenses for parents to attend the statutory Annual Review meeting, but not other functions or meetings. This will be done in the most cost effective way by:

- 1 Arranging transport; or
- 2 Making a cash payment (currently 16p per mile); or
- 3 Providing a ticket (or its cash equivalent) for one or both parents on public transport.

### **Reception Class**

The Authority does provide transport for pupils attending reception class. (In Wales, most Local Education Authorities have a policy of accepting children into school at the beginning of the academic year during which the child becomes five. However, the child does not have to attend school until the beginning of the term following their fifth birthday).

### **Transport for Learners 16+**

Attendance at school or college for post 16 education is not statutory and the Local Authority are not required by statute to make provision for free transport for post 16 education, provision is at the discretion of each local Authority.

In June 2007, the Authority agreed a corporate policy on charging for post 16 education transport but also agreed at that time to exempt all pupils from the charge pending the release of forthcoming legislation on school and college transport in Wales and consideration of the impact of this legislation.

The Authority therefore currently provide discretionary transport beyond statutory school age where a Denbighshire learner resides over 3 miles from the nearest suitable school or college, the Authority will provide the transport to one establishment only. The learner must be studying full time and be under 19 years of age on 1<sup>st</sup> September of the academic year in which the course is taken. Transport will be provided to the secondary school which is designated by the Authority to serve the learner's home address, or to the nearest school/college. Transport between establishments in order to access curriculum choice is not normally funded under these arrangements.

### **14-19 Curriculum**

The Authority currently makes provision for a network of transport routes to be established to schools and colleges offering a comprehensive range of educational courses to support the 14-19 course curriculum. Provision of this transport for those learners who are not of statutory school age is in accordance with post 16 charging policy.

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For learners of statutory school age, the Authority is responsible for transport for learners to the nearest suitable secondary school, in addition, in order to support the accessing of a wider curriculum and subject to funding arrangements for the 14-19 curriculum, transport between establishments where a learner attends more than one establishment will be available without charge for those learners of statutory school age.

### **Circumstances when the Authority will not Provide Extensions Beyond the Minimum (statutory) Provision**

The Authority will not provide transport:

- nor will it make any contribution towards transport costs for pupils admitted as a result of parental preference for a school which is not the nearest, nor the one that the Authority deems to serve the pupil's home address;
- for pupils who reside outside Denbighshire, but who receive their education in Denbighshire schools.

### **Nursery**

The Authority does not provide transport for pupils attending nursery school or nursery classes at the age of three. Transport is provided from the commencement of the school year in which the child attains the age of five in accordance with the transport policy.

### **Mode of Transport**

In determining the mode of transport required, the following principles will apply:

- the need for specialist transport;
- the Special Educational Needs of a pupil as defined in a pupil's statement.

In all cases the efficient use of resources will dictate the mode of transport (subject to the above conditions). Transport may be provided by means of school contract transport services or existing public transport services which, together with the type of transport (bus, minibus, train, taxi etc.) will be dictated by cost effectiveness. In some cases one contract bus may transport different pupils to more than one school site.

In certain circumstances parents will be paid 16p per mile to transport pupils who meet all the criteria, if deemed by the Authority to be more cost effective.

### **Collection and Return**

Reasonable endeavours will be made to provide transport for qualifying pupils up to a distance of one mile from the curtilage of the place of normal residence. Transport will normally be to and from bus stops or pickup points for groups of pupils. It will only be provided from door-to-door if exceptional circumstances prevail.

No pupil/student who is eligible to be transported on a contract route will be eligible for transport provision outside the normal daily timetable of that contract route.

**Criteria for the Provision of Escorts**

An escort may be provided by the Authority for pupils with statements of Special Education Needs, who qualify for transport under the defined criteria. Provision of escorts will take place after consideration by relevant officers of the individual needs of the pupils or group of pupils and the nature of the transport available.