

Bradford Metropolitan District Council  
School Admissions Service

## **Internal protocol for Directing Schools to admit**

### **Purpose of this document**

This document is written to set out the internal processes that Bradford's School Admissions Service will follow in the event that a school refuses to admit a child either following an in-year admissions application or through the Fair Access process.

### **Mandatory timescales for offers**

Parents must be notified of the outcome of the in-year application in writing within **15** school days; but in all circumstances admission authorities should aim to do so in **10** school days.

Where it has been agreed that a child will be considered under the Fair Access Protocol, a school place must be allocated for that child within **20** school days.

### **Internal timescales for admission**

It is expected that in-year applicants will be placed on the school roll within 10 school days of an offer being made. If an applicant is already on roll at a local school, it is permitted for the applicant to start at the beginning of the new term, if this is agreed with the current school.

It is expected that pupils offered a place through the Fair Access protocol will be put on roll within 10 school days of the Fair Access Panel.

### **Start date**

Schools must agree a start date directly with the family. This date must be shared with the local authority.

If the applicant fails to start at the offered school, the school is responsible for undertaking reasonable checks to ascertain the whereabouts of the child and to notify the local authority that the child has not started. The local authority will then undertake further checks and the attendance order process may begin, if relevant.

### **Failure to admit**

#### **Informal pre Direction discussions**

If a school or academy fail to admit, in the first instance the relevant admissions officer should contact the admissions officer at the relevant school to request an on roll date. If this is not provided, then the Lead Officer for In Year & Fair Access should contact the Headteacher and the Chair of Governors of the relevant school or academy, to discuss the case. A brief written record of these conversations should be shared with all parties.

It is expected that the communication described in the paragraph above should be completed within 5 school days. If the governing body of the relevant school or academy fails to confirm a start date within these 5 school days or does not engage in the communication within the same 5 days, then the Strategic Manager for Admissions will oversee the formal Direction process.

## **Formal Direction**

### **Community Schools**

Community schools must admit children that are offered a place by their admission authority, the local authority. No formal direction process is required and the school must put applicant on roll.

### **Maintained schools (which the local authority is not the admission authority)**

The local authority has the power to direct the governing body of a maintained school for which they are not the admission authority to admit a child in their area even when the school is full.

The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The Strategic Manager for Admissions is responsible for ensuring that evidence is available to demonstrate this for each applicant.

The local authority must choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded.

### **Process to direct the governing body of a maintained school for which they are not the admission authority**

Before deciding to give a direction, the local authority must consult the governing body of the school, the parent of the child and the child if they are over compulsory school age.

The Strategic Manager for Admissions will write to all parties to consult on the proposed Direction. To minimise the time a child is out of school, a response will be requested within 5 school days.

If, following consultation, the local authority decides to direct, it must inform the governing body and head teacher of the school. This should usually be undertaken in writing on the 6<sup>th</sup> school day following the start of the consultation, again to minimise the number of days a child is out of school.

The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body must tell the local authority. The local authority must not make a direction until the 15 days have passed and the case has not been referred.

If the case is not referred to the Schools Adjudicator, then the Direction will be issued and the applicant is expected to start at the school within 5 school days.

If the case is referred to the Schools Adjudicator, the Schools Adjudicator may either uphold the direction, determine that another maintained school must admit the child or decide not to issue a direction.

The Adjudicator's decision is binding. The Schools Adjudicator must not direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

If the Adjudicator upholds the Direction it is expected that the applicant will start at the school within 5 school days of the Adjudicator's decision, unless otherwise stated in the determination. If the Adjudicator does not uphold the Direction, the family should be contacted within 1 school day to discuss other options.

### **Process to Direct Academies (Secretary of State's power of direction)**

Where the local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so.

The local authority and the Academy will usually come to an agreement and in Bradford this is expected to happen in the pre Direction conversation described in this protocol.

The Strategic Manager for Admissions will oversee a written request for direction immediately following an unsuccessful pre Direction conversation.

If the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. In advance of the formal request, the local authority will issue a letter consulting the governing body on their intention to request direction. Following consideration of any representations made, a letter will be issued to the governing body setting out that the request to direct has been issued (if relevant). This letter should be sent in conjunction with the completion of the online Direction form.

The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child and can seek advice from the Schools Adjudicator in reaching a decision.

### **Local authority powers of direction (looked after children)**

Any proposed direction of a child in care should be considered in partnership with the Virtual School and relevant social worker (who will have been responsible for selecting the preference school). Responsibility for who is going to oversee this Direction process and undertake the administration of the process must be agreed for each child.

A local authority also has the power to direct the admission authority for any maintained school in England (other than a school for which they are the admission authority) to admit a child who is looked after by the local authority, even when the school is full. The local authority must not choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size.

Before deciding to give a direction, the local authority must consult the admission authority of the school it proposes to direct. The admission authority must tell the local authority within 7 days whether it is willing to admit the child.

If, following consultation, the local authority decides to direct, it must inform the admission authority, and the head teacher. The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days.

If the child has been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the governing body (if the school is a voluntary controlled or community school) may also refer the case to the Schools Adjudicator. The admission authority or governing body must not refer the case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or governing body does refer the case, it must notify the local authority that looks after the child. The local authority must not make a direction until the 7 days have passed and the case has not been referred.

If the case is referred to the Schools Adjudicator, the Schools Adjudicator may either uphold the direction or determine that another maintained school in England must admit the child. The Schools Adjudicator's decision is binding. The Schools Adjudicator must not direct an alternative school to admit a child unless the local authority that looks after the child agrees, nor if the child is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources.