



Protocol

for the admission of children of UK
Service Personnel and other Crown
Servants to all state-funded schools
in Cornwall

2017/18

1. Interpretation

In this Protocol:

'the LA' means Cornwall Council acting in its capacity as local authority;

'school' means a community, foundation, voluntary-controlled ('VC'), voluntary-aided ('VA'), or trust school which is maintained by the LA or an academy or free school (but not a special school);

'in-year application' means any application for a school place in any year group at a school received during the school year, other than in the normal admissions round;

'normal admissions round' means the period in which parents/carers can apply for a school place for their child for September entry to a reception class, year 3 of a junior school or year 7 of a secondary school which are referred to as the 'normal point of entry' in each case;

'parent' means a parent/carer/body which has Parental Responsibility for the child;

'PAN' means the Published Admission Number for the year of entry at a school;

'service family' means families of UK Service Personnel [UK Armed Forces] and other Crown Servants.

2. Introduction

Cornwall Council acknowledges that service families may be disadvantaged when applying for a school place as they are more likely to need to apply outside the normal admissions round when schools may already be full or be unable to provide a specific address ahead of a posting in good time for the relevant admissions processes.

There are certain legislative provisions for the admission of children of service families and processes within the LA which seek to address the disadvantage that might be experienced by service families. These are described in this Protocol along with signposting to sources of support and further information.

3. The Armed Forces' Covenant

The Ministry of Defence document 'Admissions to Schools in England and The Armed Forces' Covenant' (2013) explains that the Armed Forces' Covenant outlines the Government's aspiration that the Armed Forces Community should face no disadvantage compared to other citizens in the provision of public and commercial services. It also highlights that the Covenant does not seek preferential treatment for the service community, which includes processes in relation to school admissions.

4. Legislative provisions

Although some legislation makes reference to children from service families and school admissions, other than for boarding schools there is no requirement to give all such children priority for a school place.

The School Admissions Code 2014 ('the Code'), issued under Section 84 of the School Standards and Framework Act 1998, makes it clear that admission authorities must 'ensure that arrangements in their area support the Government's commitment to removing disadvantage for service children' (2.18 b). The following provisions assist with this aim:

1.41: *Boarding schools must give priority in their oversubscription criteria in the following order:*

- a) looked after children and previously looked after children;*
- b) children of members of the UK Armed Forces who qualify for Ministry of Defence financial assistance with the cost of boarding school fees;*
- c) children with a 'boarding need', making it clear what they mean by this.*

2.15: *Infant class size – Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) must not contain more than 30 pupils with a single school teacher. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:*

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;*
- b) looked after children and previously looked after children admitted outside the normal admissions round;*
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;*
- d) children admitted after an independent appeals panel upholds an appeal;*
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;*
- f) children of UK service personnel admitted outside the normal admissions round;*
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;*
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.*

2.18: *Children of UK service personnel (UK Armed Forces) - for families of service personnel with a confirmed posting to their area, or crown servants returning from overseas to live in that area, admission authorities must:*

- a) allocate a place in advance of the family arriving in the area, provided the application is accompanied by an official letter that declares a relocation date and a Unit postal address or quartering area address, when considering the application against their oversubscription*

criteria. This must include accepting a unit postal address or quartering area address for a service child. Admission authorities must not refuse a service child a place because the family does not currently live in the area, or reserve blocks of places for these children;

b) ensure that arrangements in their area support the Government's commitment to removing disadvantage for service children. Arrangements must be appropriate for the area and be described in the local authority's composite prospectus.

In relation to the Infant Class Size legislation which allows specified children, including children of UK Service Personnel admitted outside the normal admissions round, to be admitted to an infant class over the 30 limit as an 'exception', it must be noted that admission authorities are not required to admit all service family children into infant classes that are already at their legal limit. They are empowered to do so but are not required to do so and consideration must and will be given by admission authorities to the effect on provision for all of the children in the class of admitting an additional pupil. Admission authorities are unlikely to allow significant increases to infant class sizes over the legal limit.

In light of the Infant Class Size legislation, independent appeals panels can treat appeals for infant children (Key Stage 1) of service families as they would appeals for any other Key Stage. Panels were previously forbidden to uphold most Infant Class Size appeals. However, consideration will still be given to the potential impact on other children in the class of admitting an additional pupil and it may still not be possible for a place to be offered, even if the child were to be an excepted pupil.

5. Cornwall LA processes

The following processes and principles will be adhered to in relation to applications for children of service families to ensure that schools' and the LA's duties are met in relation to these children.

Applying for a place

- 5.1.** All school places for children of service families must be applied for using the LA's Common Application Form (for the normal admissions round) or the In-year Application Form (for applications outside the normal admissions round).
- 5.2.** As with all applicants, the School Admissions Team will provide support and guidance to service families for identifying suitable schools which could be named as preferences and understanding the admissions processes. The School Admissions Team will recognise the potential for disadvantage faced by service families and refer to this Protocol in order to provide appropriate support and guidance and minimise any disadvantage as far as possible.

Processing applications

- 5.3.** All applications for children of service families in the normal admissions round will be processed in line with the timescales set out in the LA's Co-ordinated Scheme for the relevant school phase (i.e. primary or secondary). All in-year applications for children of service families will be processed in line with the timescales set out in the In-year Co-ordinated Scheme.

- 5.4. The LA will co-ordinate in-year admissions to all community and voluntary-controlled schools and any other participating schools for 2017/18. The LA's In-year Co-ordinated Scheme states that applications received for children of UK Service Personnel, other Crown Servants and British Council employees will be processed outside the normal timescales (12 weeks) for in-year applications if accompanied by an official Government letter declaring a relocation date and intended address or if necessary a unit postal address or quartering area address.
- 5.5. Applications in the normal admissions round and in-year applications will be processed and places allocated **based on the proposed address** (with supporting evidence) **or**, if the family are not able to confirm a proposed address and a unit or quartering address is provided, an allocation will be made based on the **unit or quartering address**. This is to ensure that the child is not left without a school place, although it is accepted that the family may want/need to change their preference when a new address is confirmed in order to try to secure a school closer to that address. The School Admissions Team will then offer support and guidance, advising on available places and likely timescales.
- 5.6. In some cases a unit or quartering address will have been provided for an application in the normal admissions round and the family are only able to confirm a new address after the 'round one' deadline for applications (31 October 2016 for secondary places and 15 January 2017 for primary places). If the new address necessitates a change of school preference and this is received before the date for 'exceptional late applications' (as stated in the LA Co-ordinated Admission Scheme for the relevant school phase) the application will be considered as 'exceptional' and processed with those received before the deadline. Evidence of the new address must be provided with the change of preference.
- 5.7. All local authorities are required to have a Fair Access Protocol, agreed with the majority of schools in its area, to ensure that, outside the normal admissions round, unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. Cornwall LA's Fair Access Protocol includes children of UK Service Personnel and other Crown Servants under 'Level 1' which describes how specified children who have been unable to secure a school place during the school year through the normal admissions procedures can be allocated a place even if a school is full. Children placed under the Protocol also take priority over any children on a school's waiting list. However, there is no guarantee that a child will be placed at a preferred school under the Protocol – there is no duty to comply with parental preference when allocating places through the Protocol.
- 5.8. The allocation process for children of service families will take into account the possibility that the child could be admitted as an excepted pupil to an infant class.
- 5.9. All applicants have the right of appeal to an independent panel if refused a place at a school. Any refusal letter will explain this process. Details and timelines can be found in the Co-ordinated Admissions Schemes for the relevant year of entry.

6. Support and information

The **Children's Education Advisory Service** (CEAS) provides expert and impartial advice about the education of service children. See www.gov.uk/childrens-education-advisory-service

Documents:

The **School Admissions Code 2014** – available at www.gov.uk/df

Admissions to Schools in England and The Armed Forces' Covenant (Ministry of Defence 2013) - available at www.gov.uk

Cornwall LA's **Fair Access Protocol** available at www.cornwall.gov.uk/admissions

Cornwall LA's **In-year Co-ordinated Admissions Scheme** available at www.cornwall.gov.uk/admissions

7. Contacts

School Admissions Team

Telephone: 0300 1234 101

Email: schooladmissions@cornwall.gov.uk

Website: www.cornwall.gov.uk/admissions

Prepared by:

Place Planning, Access & Inclusion Team

Learning & Achievement Service

Education, Health & Social Care Directorate

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If you would like this information
in another format please contact:

**Cornwall Council
County Hall
Treyew Road
Truro TR1 3AY**

Telephone: **0300 1234 100**

Email: **enquiries@cornwall.gov.uk**

www.cornwall.gov.uk