

## **BREAKWATER ACADEMY**

### **DETERMINED ADMISSION POLICY 2024-2025**

#### **INTRODUCTION**

STEP Academy Trust Board of Trustees has agreed this Policy and as such, it applies to all Academies within the Trust. All policies, procedures, practices and systems are regularly reviewed to reflect the Trust's anti-racist stance and commitment to equality.

We welcome our duties under the Equality Act 2010 and aim to promote a positive and welcoming culture where all forms of discrimination are actively challenged and a systemic approach to eradicating discrimination is seated at the heart of our organisation. STEP policies reflect our commitment to ensuring unbiased treatment that pupils, parents, carers, employees and prospective employees are entitled to expect. We believe that every individual has the right to be valued, respected and offered equal opportunities, access and treatment. STEP Academy Trust is committed to providing an inclusive and diverse culture and to eradicating discrimination and stereotyping to make our Academies truly inclusive and promote high achievement for all.

Breakwater Academy ("the Academy") is a primary academy located within East Sussex and is part of STEP Academy Trust, a multi academy trust ("the Trust"). The Trust is the "admission authority" for the Academy and therefore responsible for determining and implementing the admission arrangements for the Academy each year in accordance with the School Admissions Code 2021 ("the Code") and other legislation.

#### **PARENT**

A "parent" is defined in this policy as a natural or adoptive parent of the child, or a person who is not the natural or adoptive parent of the child, but who has parental responsibility for the child, or who is deemed to be a person who has care of the child instead of their natural or adoptive parent(s).

#### **EQUALITY AND INCLUSION**

The Academy is fully inclusive and welcomes applications for the admission of children of all abilities and needs, including those with special educational needs and disabilities. The Academy fully complies with its responsibilities under the Equality Act 2010.

#### **CHILDREN WITH AN EDUCATION HEALTH AND CARE PLAN**

There are separate statutory procedures in place which govern the admission of children with special educational needs ("SEN") for whom an Education Health and Care plan ("EHC plan") has been issued by their Local Authority. This means that the parents of children who have an EHC plan should not apply for admission of their child to the Academy under this Admission Policy. If parents have a preference for the Academy to be named as the provider in their child's EHC plan, the Local Authority needs to be made aware of this so that they can consider whether the Academy is suitable in consultation with the child's parents and the Academy.

Where a child's EHC plan names the Academy as the provider, the child will be admitted to the Academy even if this will result in the published admission number ("PAN") for that year group, or the statutory maximum infant class size, being exceeded. Where admission is to Reception Year in September (i.e. in the normal admission round), the number of places available within the PAN for other children will be reduced.

## AGE ON ADMISSION TO RECEPTION YEAR

All children are entitled to a full-time place in Reception Year at a primary school from the September following their fourth birthday. Children do not, however, reach compulsory school age until the first of three prescribed dates after their fifth birthday. These prescribed dates are 31 December, 31 March and 31 August.

For example, a child who will reach the age of five years on 18 November will not reach compulsory school age until the following 1 January, a child who will reach the age of five years on 22 March will not reach compulsory school age until the following 1 April and a child who will reach the age of five years on 3 June will not reach compulsory school age until the following 31 August.

## DEFERRED ENTRY AND PART-TIME ATTENDANCE

Parents who have achieved a place for their child in Reception Year at the Academy can choose to defer their child's start date until they have reached compulsory school age (i.e. on one of the three prescribed dates stated above) and still retain their child's place in Reception Year at the Academy.

However, the start date for a child born between 1 April and 31 August who will not reach compulsory school age until 31 August (known as a "summer born child") cannot be deferred later than the first day of the last term (usually when the Academy reopens after Easter) without losing the place achieved, which will then be allocated to another child. Parents of "summer born children" can, however, choose to delay their child starting school for a whole school year (see below).

Parents may also choose to send their child to school part-time until they reach compulsory school age (i.e. on one of the three prescribed dates stated above). Unlike the right to defer entry, this right can be exercised during the last term in the case of "summer born children", and can also be exercised in combination with the right to defer the child's start date until later in the school year, as set out above.

For example, a child born on 18 November could start school part-time from 1 September and then full-time from 1 January, and a child born on 22 March could start school part-time from either 1 September or 1 January and then full-time from 1 April.

## DELAYED ENTRY FOR "SUMMER BORN CHILDREN"

Parents of children born between 1 April and 31 August (known as "summer born children") have the following options in relation to their child:

1. To start school full-time in Reception Year in the September following their fourth birthday in the usual way; **or**
2. To retain the place they have achieved for their child in Reception Year and decide that their child will start school later in the school year (i.e. deferred entry) and/or attend part-time, as set out above; **or**
3. To lose any place achieved for their child in Reception Year and delay (rather than defer) their child starting school for one whole school year (i.e. following September).

Parents choosing to exercise the third option will need to decide whether they want their child to be admitted to Year 1 in the following September with their usual age group (subject to their being an available place in Year 1, as no place will have been reserved for the child) or be admitted to Reception Year in the following September with children below their normal age group. The second of these options will require parents to submit a separate Application for Admission Outside Normal Age Group to the STEP Executive Team (see below).

## APPLICATIONS FOR ADMISSION OUTSIDE NORMAL AGE GROUP

All parents have a right to apply for their child to be admitted to a year group above or below their child's normal year group, however it is for the admission authority for each school to decide whether to agree to this or not. Parents do not have an absolute right to decide that their child will be educated outside their normal age group.

Children will not, under any circumstances, be admitted to reception class earlier than the academic year in which their fifth birthday falls.

In order to apply, parents must complete a separate application form (called an Application for Admission Outside Normal Age Group form, which is available for download via the Academy's website or in hard copy from the Academy's office) and submit it to the STEP Executive Team with any supporting documentation. Applications should be submitted as early as possible so that all options are kept open before deadlines pass, as a formal application for admission will also have to be made.

On receipt of a completed application form and any supporting documentation, the STEP Executive Team will need to decide whether to agree or refuse the application. This decision will be made on the basis of the circumstances of each case and in the best interests of the child concerned. The factors that will be considered include the following:

- The parent's views;
- The Headteacher's views;
- Information about the child's academic, social and emotional development;
- Where relevant, the child's medical history and the views of their medical professionals;
- Whether the child has previously been educated or attended a nursery outside their normal age group;
- Whether the child may naturally have fallen into a lower age group if not for being born prematurely.

Where the application is refused, the STEP Executive Team will write to the parents confirming the refusal, clearly setting out their reasons for their decision. Parents do not have a statutory right of appeal against a decision to refuse an application for a child to be admitted outside their normal age group, however a complaint can be submitted under the STEP Complaints Policy if the child's parents believe that the STEP Executive Team did not deal with the application properly.

Where the application is agreed in principle, the STEP Executive Team will write to the parents confirming the agreement in principle. Parents should note that an agreement in principle is not the same as an offer of a place in the desired year group - it is simply an indication that the STEP Executive Team will accept an application for admission of the child to the desired year group. Once an application for admission to the desired year group has been submitted, it will be processed with all other applications for that year group, with the oversubscription criteria being applied where more applications are received than there are places available. The application for admission must be accompanied by the letter confirming the STEP Executive Team's agreement in principle.

For the avoidance of doubt, this means that even where the STEP Executive Team has agreed in principle to a child being admitted outside their normal age group, there is no guarantee that a place in the desired year group will be achieved for the child. This is particularly relevant in the case of "summer born children" for whom a place in Reception Year is being sought one year later than usual, as they could be left without a place in Reception Year at the Academy, and the child's parents will then need to decide whether to submit an application for admission outside normal age group to another school with a place available in Reception Year, or to seek a place in Year 1 at the Academy subject to their being any places available.

## **PUBLISHED ADMISSION NUMBER (“PAN”)**

The published admission number (“PAN”) for Reception Year at the Academy is **30**.

This means that the Academy will admit up to that number of children in the September of the school year to which this policy applies.

## **OVERSUBSCRIPTION CRITERIA**

Where more applications are received than there are places available, the available places will be allocated in the following order of priority:

### **1. Looked After and Previously Looked After Children**

A “looked after child” is a child in public care at the date on which the application is made. A “previously looked after child” is a child who was in public care, but ceased to be so because they were adopted or became subject to a Child Arrangements Order or Special Guardianship Order immediately after being in public care, as well as those children who appear to STEP Academy Trust/Local Authority to have been in state care outside of England and ceased to be in state care as a result of being adopted. A child is regarded as having been in state care outside of England if they were in the care of, or were accommodated by, a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

To be included in this category, the application for admission must be supported by the relevant Local Authority’s Children’s Services Department. In the case of a previously looked after child, a copy of the Adoption or Special Guardianship Order must also accompany the application for admission where a child falls under this criterion because they are subject to such an Order. For a child who appears to STEP Academy Trust/Local Authority to have been in state care outside of England and ceased to be in state care as a result of being adopted, parents should provide evidence to support their application under this criterion.

Failure to provide the above noted evidence will result in the child being placed into the next category that applies.

### **2. Children with a Medical Need to Attend Breakwater Academy Only**

Children for whom Breakwater Academy is the only suitable and appropriate school for the child to attend will be allocated places in this category by reference to the proximity of the child’s home address (as defined by this policy) to the Academy, with those living nearer receiving higher priority.

In order to be considered under this category, the GP or hospital consultant must expressly confirm, not only the nature of the medical condition of the child or parent, but also the reason why, in their professional opinion, only Breakwater Academy is suitable and appropriate for the child to attend, why no other school is suitable and appropriate and the medical reasons why this is the case.

To be included within this category, there must be compelling reasons why Breakwater Academy is the only school which is suitable and appropriate for the child to attend because of a medical need of the child or their parent which prevents them from attending any other school. For the avoidance of doubt, social reasons and inconvenience for parents will not be regarded as a compelling reason for the child to be included within this category.

The STEP Executive Team/Local Authority will make the decision as to whether the child meets the criteria for inclusion within this category, and will do so fairly and consistently in all cases. Where the STEP Executive Team/Local Authority is not satisfied that the criteria are met, the child will be placed into the next category that applies.

### 3. Children with a Sibling at Breakwater Academy at the Date of Admission

Children with a sibling at Breakwater Academy at the date of their admission will be allocated places in this category by reference to the proximity of the child's home address (as defined by this policy) to the Academy, with those living nearer receiving higher priority.

A "sibling" will include a full, half, step, adopted or foster brother or sister, as well as a child of their parent's partner with whom they have been cohabiting for a period of at least one year at the application deadline, provided that in all cases the sibling and the applicant child live at the child's home address (as defined by this policy) and are being brought up as siblings as part of a core family unit. For the avoidance of doubt, a child of a friend or extended family member (for example, a cousin) living at the same address will not be a sibling for the purpose of this policy.

Parents must ensure that they have included full details of the sibling in the Common Application Form to be included in this category. Failure to do so will result in the child being placed into the next category that applies.

### 4. All Other Children

Children not falling into any of the above categories will be allocated places in this category by reference to the proximity of the child's home address (as defined by this policy) to the Academy, with those living nearer receiving higher priority.

## **ORDER OF ALLOCATION**

School places will be allocated on the basis of our determined admissions arrangements. The order in which places will be allocated in the categories above will be by reference to the distance the child lives from the Academy in accordance with our below 'Distance Measuring' section, with those living closest to the Academy receiving highest priority.

## **CHILD'S HOME ADDRESS**

The home address is where a child normally lives. Where a child lives with parents with shared parental responsibility, each for part of a week, the address where the child lives is determined using a joint declaration from the parents stating the pattern of residence. If a child's residence is split equally between both parents, then parents will be asked to determine which residential address should be used for the purpose of admission to school. If no joint declaration is received and the residence is split equally by the closing date for applications, the home address will be determined to be the address where the child is registered with the doctor, however, all evidence will be taken into account as detailed in Annex A to this policy. If the residence is not split equally between both parents then the address used will be the address where the child spends the majority of the school week which will be assessed based on all available evidence on a case by case basis, please see Annex A to this policy for further details.

## **DISTANCE MEASURING**

The distance between the child's home address (as defined by this policy) and the Academy will be measured in a straight line from the geographical reference point at the child's main home address to the Academy's designated entrance, using the Local Authority's geographical distance measuring software.

In the case of multi-dwelling buildings (for example, an apartment block), the distance will be measured from the same geographical reference point in the building regardless of the actual location within the building of the child's home address, with the tie breaker being applied if more than one application is received for children living in the building (see below).

## **TIE BREAKER**

Where two applications cannot otherwise be separated because the distance between the child's home address (as defined by this policy) to the Academy is the same, the order in which places will be allocated will be determined by random lottery in the presence of a person who is independent of the Academy.

## **STATUTORY MAXIMUM INFANT CLASS SIZE**

The maximum number of pupils legally permitted to be in a class in Reception Year, Year 1 or Year 2 class is 30 pupils.

There are specified circumstances in which some categories of children will not be counted towards the class size, allowing for these children to be admitted to a class containing 30 or more pupils without breaching the statutory maximum infant class size. These children are known as "excepted pupils" until the class size falls back to 30 pupils. Parents are referred to Paragraph 2.15 of the Code (which is accessible on the Department for Education's website) for further details in this respect.

## **TWINS AND CHILDREN OF A MULTIPLE BIRTH**

Where a child who is a twin or a child of a multiple birth achieves a place but their twin or siblings of a multiple birth fail to do so, the twin or siblings of a multiple birth will be admitted to the Academy above the PAN. These children be "excepted pupils" until the class size falls back to 30 pupils (see above).

## **CHILDREN OF UK SERVICE PERSONNEL AND CROWN SERVANTS**

The Academy will accept applications and allocate a place for the admission of the children of UK Armed Forces Personnel with a confirmed posting in the area of the Academy, or the children of Crown Servants returning from overseas to live in the area of the Academy, in advance of them arriving. These children do not have to be living at the stated home address at the application deadline, as all other children do.

The application for admission must be supported by an official letter declaring the relocation date. The Academy will use the address at which the child will live when applying our oversubscription criteria, as long as parents provide some evidence of their intended address. We will use a Unit or Quartering address as the child's home address when considering the application against the oversubscription criteria, where a parent requests this.

## **APPLICATIONS FOR ADMISSION**

Applications for admission to Reception Year in September (known as admission "in the normal admission round") must be made to the Home Local Authority.

Parents must ensure that they complete all necessary information (for example, details of siblings) before the application is submitted. Failure to do so by the application deadline will result in the child being placed into the next category that applies.

## **ADMISSION TIMETABLE**

The deadline for applications for admission to Reception Year in the normal admission round is on or about **15 January 2024**. Late applications will be accepted but will not be considered until all applications received on or before the application deadline have been processed, which will reduce the chance of achieving a place for the child.

National Offer Day for places in Reception Year in the normal admission round is on or about **16 April 2024**. On that date, parents will be notified whether their application for admission has been successful or not. Where an application is unsuccessful, the reason for this will be confirmed in the notification letter.

## **ADMISSION APPEALS**

Parents have a statutory right of appeal against the refusal of a place which will be heard before an independent panel. Full details about the statutory right of appeal, including how and when the request for an appeal must be lodged, will be confirmed in the notification letter sent to parents on National Offer Day.

A request for an admission appeal must be accompanied by the grounds for making the appeal (for example, why the parents believe that this Admission Policy is not compliant with admission law; in what way the Admission Policy was incorrectly or partially applied to the application for admission, or why it was unreasonable to refuse the application for admission). Before setting out the grounds of appeal, parents are advised to consider the reason for the refusal stated within the notification letter.

The Academy is required to publish an admission appeal timetable on its website on or before 28 February before National Offer Day.

## **WAITING LISTS**

The names of all children who are unsuccessful in achieving a place in Reception Year will be automatically added to the waiting list for Reception Year for the duration of the first term until 31 December. After that date, all names will be removed unless the child's parents notify the Academy that they would like their child's name to be kept on the waiting list going forwards.

Looked after children, previously looked after children and those allocated a place at the Academy in accordance with a Fair Access Protocol take precedence over those on a waiting list.

## **IN-YEAR ADMISSIONS**

The Academy participates in the Local Authority's coordinated scheme for in-year admission and admission to year groups other than Reception Year. These applications must also be made to the Home Local Authority, rather than the Academy, via the Local Authority's admissions page on its website.

Where an application for in-year admission or admission to a year group other than Reception Year is unsuccessful, parents will be asked if they would like their child's name to be added to a waiting list for that year group and, if so, for how long. Waiting lists are not routinely kept for other year groups unless parents specifically ask for their child's name to be included on one.

The child's position on a waiting list will be ranked solely in accordance with the order of priority set out in this policy, and not in accordance with the date that the child's name was added to the waiting list. This means that the child's name may go up or down the waiting list, as the names of other children are added or removed.

Parents also have a statutory right of appeal against the refusal of a place which will be heard before an independent panel. Full details about the statutory right of appeal, including how and when the request for an appeal must be lodged, will be confirmed in the notification letter sent to parents refusing a place.

## **FAIR ACCESS PROTOCOL**

Breakwater Academy is committed to taking a fair and reasonable proportion of children who are vulnerable and/or hard to place, as identified in the locally agreed Fair Access Protocol.

## **WITHDRAWALS**

Please refer to Annex A of this policy for further information.

## **PRE-APPLICATION VISITS**

The Academy is happy for parents and children to visit the Academy before an application for admission is made, and will try to be as flexible as possible in arranging a mutually convenient appointment to facilitate this. Parents who want to visit should telephone the Academy's office and speak to a member of the Academy's Admissions Team. If possible, a member of the Academy's Senior Leadership Team will be available to answer any questions that parents may have during the visit.

## **ADMISSION PROSPECTUS**

In addition to this Admission Policy, the Academy may have an Admission Prospectus which is available for viewing or downloading on the Academy's website or available in hard copy from the Academy's office.

## **FURTHER INFORMATION**

For further information about admission to the Academy, please contact the Academy Office:

Academy Email Address: [office@breakwateracademy.org](mailto:office@breakwateracademy.org)  
STEP Admissions [admissions@stepacademytrust.org](mailto:admissions@stepacademytrust.org)



# Annex A

## **The child's address**

The child's address should be that of the child's permanent place of residence at which they live and sleep with their parent (as defined above) for more than 50% of their time from Monday to Friday during term time at the application deadline.

The address used as the child's permanent place of residence must be where both the parent/s and child concerned are registered (and living) at the time of application, subject to any exemptions in the Admission Code as detailed in our Admission Policy.

Proof of address will be required and must be in the same name and address as those provided on the application. The proofs of address that may be requested to confirm the permanent place of residence could include for example: council tax reference number; current driving license; household Insurance; confirming of benefit entitlement; motor policy insurance; utility bill (dated within the last three months); Child Benefit notice – showing child's details; Tax Credit Award notice – showing child's details (if applicable/available); and/or doctors registration confirmation.

The Admission Authority may thoroughly investigate the home address to ensure there is a permanent commitment to the address i.e. an address is not a temporary arrangement to access a preferred school. Examples of documents that may be requested in relation to a new residence may include: a letter from a solicitor confirming the date of completion (not exchange of contract) for the new place of residence or a copy of the new tenancy agreement stating the commencement date, together with evidence of residence, for example as detailed above; a utility bill, doctors registration confirmation and child tax documents.

A business address, work place address, a childminder's address will not be accepted as a permanent place of residence, and a relative or carer's address can only be considered as a permanent place of residence if they have legal custody/parental responsibility of the child. In these circumstances, evidence of legal custody/parental responsibility must be supplied.

Where parents are separated and share custody, if there is a genuine equal share custody arrangement between two parents, then parents will be asked to determine which residential address should be used for the purpose of admission to school. If no joint declaration is received and the residence is split equally by the closing date for applications, the home address will be determined to be the address where the child is registered with the doctor, however, all evidence will be taken into account and each application will be assessed on a case by case basis.

## **Temporary address**

A temporary address may not be accepted if parents/guardians still own a property that was previously used as a home address, or a temporary address which the Admissions Authority consider to be solely or mainly used to obtain a school place.

If families own more than one property the Admissions Authority may only consider the given address if families have lived there for a year prior to the closing date of application (including rented, bought or living with a family member or friend).

The Admissions Authority may also review the application of any family that decides to move after taking up the school place, up to a year following the closing date.

Parents/guardians will be asked to provide additional information to explain why they are not using their permanent address, or another address identified as a result of screening, or as a result of information obtained from the public. This may include utility bills, benefit claims and copies of mortgage or rent agreement. The school may also check relevant local authority records to clarify whether or not families receive services or benefits at another address.

## **Withdrawal**

The Academy will 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, a further and final opportunity to respond will be provided prior to withdrawal.

Where an offer is withdrawn on the basis of misleading information, the application will be considered afresh, and a right of appeal offered if an offer is refused (please refer back to the admissions policy for further information relating to appeals).

If the child has started at the school, in deciding whether to withdraw a place, the length of time that the child has been at the school will be taken into account.

We take very seriously any attempt to gain an advantage in the admissions process by giving false information. Your address will be checked by reference to your documentation and recorded information, and, if necessary, by a member of school staff visiting your address.