

ANNEX B

Requirements for the Admission of Pupils to Chelmsford County High School for Girls

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 an 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 Education (“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 legislation 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, the Academy Trust will take part in any mandatory Admissions Forum set up by the local authority (“LA”) in which they are situated and have regard to its advice; and will participate in the co-ordinated admission arrangements operated by the LA and the local Fair Access Protocol.
4. Notwithstanding any provision in this Annex, the Secretary of State may:
 - (a) direct the Academy Trust to admit a named pupil to Chelmsford County High School for Girls on application from an LA. This will include complying with a School Attendance Order¹. Before doing so the Secretary of State will consult the Academy Trust.
 - (b) direct the Academy Trust to admit a named pupil to Chelmsford County High School for Girls 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.
 - (c) direct the Academy Trust to amend its admission arrangements where they fail to comply with the School Admissions Code or the Admission Appeals Code.

4A Chelmsford County High School for Girls is a former maintained grammar school designated as such under section 104 of the School Standards and Framework Act 1998 and the Education (Grammar School Designation) Order 1998. As such it is permitted to continue to select its intake by reference to ability.

Annex E to the funding agreement will set out the procedures for removing selective arrangements.

5. The Academy Trust shall ensure that parents and ‘relevant children²’ will have the right

¹ Local authorities are able to issue school attendance orders if a child is not attending school. These are legally binding upon parents. Such an order might, for instance, be appropriate where a child has a place at an Academy but his/her parents are refusing to send him/her to school. The order will require a parent to ensure his/her child attends a specified school.

² relevant children’ means:

a) in the case of appeals for entry to a sixth form, the child, and;

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 Education as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.

Relevant Area

6. Subject to paragraph 7, the meaning of “Relevant Area” for the purposes of consultation requirements in relation to admission arrangements is that determined by the local authority for maintained schools in the area in accordance with the Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999.

7. If the Academy does not consider the relevant area determined by the local authority for the maintained schools in the area to be appropriate, it must apply to the Secretary of State by 1 August for a determination of the appropriate relevant area for the Academy, setting out the reasons for this view. The Secretary of State will consult the Academy and the LA in which the Academy is situated in reaching a decision.

Requirement to admit pupils

8. Pupils on roll in any predecessor maintained or independent school will transfer automatically to the Academy on opening. All children already offered a place at any predecessor school will be admitted.

9. The Academy will:

- a. subject to its right of appeal to the Secretary of State in relation to a named pupil, admit all pupils with a statement of special educational needs naming the Academy; and
- b. adopt admission oversubscription criteria that give highest priority to looked after children, in accordance with the relevant provisions of the School Admissions Code.

Oversubscription criteria, admission number, consultation, determination and objections.

10. The Academy admission arrangements will include oversubscription criteria, and an admission number for each relevant age group³. The Academy will consult on its admission arrangements and determine them in line with the requirements within the School Admissions Code.

11. The Young People’s Learning Agency (YPLA) may consider objections on the Secretary of State’s behalf. The Academy Trust should therefore make it clear, when determining the Academy’s admission arrangements, that objections should be submitted to the YPLA.

12. A determination of an objection by the YPLA on behalf of the Secretary of State, or by the Secretary of State will be binding upon the Academy.

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.

³ ‘Relevant age group’ means ‘normal point of admission to the school’, for example, year R, Year7 and Year 12.

ANNEX C

Arrangements for pupils with Special Educational Needs ('SEND') and disabilities at Chelmsford County High School for Girls

Duties in relation to pupils with SEN and disabilities

1. The Governing Body of the Academy Trust must comply with all of the duties imposed upon the governing bodies of maintained schools in:
 - Part 4 of the Education Act 1996 as amended from time to time⁴;
 - The Education (Special Educational Needs) (Information) Regulations 1999 as amended from time to time;
 - The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2008 as amended from time to time⁵.
2. Notwithstanding any provision in this Agreement, the Secretary of State may (whether following a complaint made to him or otherwise) direct the Academy Trust to comply with an obligation described in this Annex where the Academy Trust has failed to comply with any such obligation.
3. Where a child who has SEN is being educated in the Academy, those concerned with making special educational provision for the child must secure that the child engages in the activities of the school together with children who do not have SEN, so far as is reasonably practicable and is compatible with:
 - (a) the child receiving the special educational provision which his learning difficulty calls for,
 - (b) the provision of efficient education for the children with whom he will be educated, and
 - (c) the efficient use of resources.
4. In addition to complying with the duties imposed upon the governing bodies of maintained schools set out in The Education (Special Educational Needs) (Information) Regulations 1999 (as amended from time to time), the Academy Trust must ensure that the Academy's prospectus includes details of the arrangements for the admission of disabled pupils; the steps taken to prevent disabled pupils from being treated less favourably than other pupils; and the facilities provided to assist access to the Academy by disabled pupils (disabled pupils meaning pupils who are disabled for the purposes of the Equality Act 2010⁶).

Admissions

5. The Academy Trust must ensure that pupils with SEN are admitted on an equal basis with others in accordance with its admissions policy.

⁴ Currently these duties are in sections 313 (Duty to have regard to the Special Educational Needs Code of Practice 2001); 317 (Duties in relation to pupils with special educational needs), 317A (Duty to advise parents that special educational provision is being made); and 324(5)(b) (Duty to admit the child where a school is named in the statement).

⁵ These Regulations are amended by The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2009 (SI 2009 No 1387).

⁶ For the meaning of 'disabled', see section 6 of the Equality Act 2010.

6. Where a local authority (“LA”) proposes to name the Academy in a statement of SEN made in accordance with section 324 of the Education Act 1996, it must give the Academy Trust written notice that it so proposes. Within 15 school working days of receipt of the LA’s notice that it proposes to name the Academy in a statement, the Academy Trust must consent to being named, except where admitting the child would be incompatible with the provision of efficient education for other children; and where no reasonable steps may be made to secure compatibility. In deciding whether a child’s inclusion would be incompatible with the efficient education of other children, the Academy Trust must have regard to the relevant guidance issued by the Secretary of State to maintained schools.
7. If the Academy Trust determines that admitting the child would be incompatible with the provision of efficient education, it must, within 15 school working days of receipt of the LA’s notice, notify the LA in writing that it does not agree that the Academy should be named in the pupil’s statement. Such notice must set out all the facts and matters the Academy relies upon in support of its contention that: (a) admitting the child would be incompatible with efficiently educating other children; and (b) the Academy Trust cannot take reasonable steps to secure this compatibility.
8. After service by the Academy Trust on the LA of any notice (further to paragraph 6 above) stating that it does not agree with the LA’s proposal that the Academy be named, the Academy Trust must seek to establish from the LA, as soon as is reasonably practicable, whether or not the LA agrees with the Academy Trust. If the LA notifies the Academy that it does not agree with the Academy Trust’s response, and names the Academy in the child’s statement, the Academy Trust must admit the child to the school on the date specified in the statement or on the date specified by the LA.
9. Where the Academy Trust consider that the Academy should not have been named in a child’s statement, they may ask the Secretary of State to determine that the LA has acted unreasonably in naming the Academy and to make an order directing the LA to reconsider.
10. The Secretary of State’s determination shall, subject only to any right of appeal which any parent or guardian of the child may have to the First-tier Tribunal (Special Educational Needs and Disability), be final.
11. If a parent or guardian of a child in respect of whom a statement is maintained by the local authority appeals to the First-tier Tribunal (Special Educational Needs and Disability) either against the naming of the Academy in the child’s SEN statement or asking the Tribunal to name the Academy, then the decision of the Tribunal on any such appeal shall be binding and shall, if different from that of the Secretary of State under paragraph 9 above, be substituted for the Secretary of State’s decision.
12. Where the Academy, the Secretary of State or the First-tier Tribunal (Special Educational Needs and Disability) have determined that it should be named, the Academy Trust shall admit the child to the Academy notwithstanding any provision of Annex B to this agreement.

ANNEX D

Serious incidents of misbehaviour leading to suspension or permanent exclusion

General Duties

1. Subject to the exceptions in paragraph 4, the Academy Trust shall act and shall ensure that the Principal shall act in accordance with the law on suspensions and exclusions as if the Academy were a maintained school. For this purpose, reference in the law on suspensions and exclusions to the Headteacher and Governing Body shall respectively be deemed to be the Principal and Governing Body of the Academy Trust.
2. Without limiting the generality of paragraph 1, the Academy Trust shall ensure that the Local Authority is informed of an exclusion decision in the same circumstances as required by maintained schools under the law on exclusions.
3. Subject to the exceptions in paragraph 4, the Academy Trust shall ensure that in carrying out their functions the Principal and the Governing Body have regard to the Secretary of State's guidance on exclusions including in relation to any appeals process⁷ as if the Academy were a maintained school.
4. The exceptions to the duties imposed under paragraphs 1 and 3 are:
 - The Academy Trust shall make arrangements for enabling appeals against any decision of the Governing Body to permanently exclude a pupil in accordance with the functions assigned to the Local Authority. Any appeal panel will be impartial, constituted in accordance with the Secretary of State's guidance and any decision of such a panel will be binding on the Academy Trust⁸. The requirements in relation to appeals apply to the Academy Trust only to the extent that the Local Authority is required to carry out such functions for maintained schools under the law on exclusions.
 - the Governing Body is not expected to seek the advice of a Local Authority officer when considering an exclusion, although a Local Authority officer may attend any meeting to consider an exclusion at the request of a parent; and
 - subject to the Academy Trust's obligations under clause 30 of this Agreement relating to an agreement with the LA on the flow of funds following an exclusion, the arrangements for money to follow pupils who have been permanently excluded from school does not apply.

⁷References in this annex to the Secretary of State's guidance are to "Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units", which is published on the DfE website at: <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/>. The guidance may be subject to amendment, and the Academy is required to have regard to the guidance as it stands at any given time.

⁸ A parent may seek a judicial review of any appeal panel. A parent may not appeal to the Commissioner for Local Administration (the Local Government Ombudsman) about maladministration as the Commissioner's remit is limited to considering the conduct of appeal panels constituted by Local Authorities

Annex E

Removal of selection at wholly selective Academies

13. This annex applies to any Academy which was designated as a grammar school under the Education (Grammar School Designation) Order 1998 – or subsequent designation orders made under section 104 of the School Standards and Framework Act 1998- prior to their entering into Academy arrangements with the Secretary of State under section 1 of the Academies Act 2010.

Proposals by the Academy Trust to remove selection

14. Where an Academy Trust for a wholly selective Academy wishes to remove the Academy's selective admission arrangements they will follow the process set out below.

15. The Academy Trust will ballot all parents of registered pupils at the school on the question 'are you in favour of the Academy removing selection by ability and introducing admission arrangements which admit children of all abilities?'

16. If a simple majority of parents vote to remove selection, the Academy will determine admission arrangements that do not provide for selection by ability.

17. The ballot must allow parents a minimum of five weeks within which to vote. The ballot must be initiated prior to 25 January and the ballot result must be declared by 1 March in the determination year⁹.

18. If a ballot is in favour of the removal of selection:

- a. non selective admission arrangements must be determined by 15 April in the determination year; and
- b. the Secretary of State and the Academy Trust shall vary the terms of the Funding Agreement to the extent necessary to reflect the removal of the selective admission arrangements.

19. If a ballot does not vote in favour of the removal of selection the Academy Trust must retain the Academy's selective admission arrangements.

Parental Ballots to remove selection

20. There are two ways of removing selection at wholly selective Academies via a parental ballot: either the arrangements are changed as result of a whole area ballot¹⁰, ("**area ballot**") or the Academy in question is

⁹ 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 2011 and determination to be in April 2011 for admissions in September 2012

¹⁰ A "whole area ballot" has the same meaning as an "area ballot" (as defined by regulation 11(2) of the Ballot Regulations: a ballot which relates to all grammar schools within a relevant area.)

subject to a stand alone ballot.¹¹

21. **A ballot which relates to a group of grammar schools (“grouped ballot”)** as defined under regulation 2(1)(b) and schedule 2 to the Education (Grammar School Ballots) Regulations 1998 (“the Ballot Regulations”) will not apply to selective academies. Where an Academy was - prior to it entering into Academy arrangements with the Secretary of State under section 1 of the Academies Act 2010 - as a maintained school, previously named as part of a group under the Ballots Regulations it will no longer be subject to a **grouped ballot** but will, instead be subject to a **stand-alone** ballot.

22. The moratorium period set out in regulation 16 of the Ballots Regulations will apply. That is, where the result of a ballot is that the grammar schools in a selective area, or the Academy in a stand-alone ballot to which the ballot relates should retain selective admission arrangements, no further ballot shall be held or petition raised within the period of 5 years from the ballot result date. This moratorium does not apply to the procedures in paragraphs 2-7 of this annex.

23. Chelmsford County High School for Girls (“the Academy”) is subject to a stand alone ballot.

24. Not used .

25. Not used

Academies subject to stand-alone ballots.

26. Where an Academy is not within one of the areas set out in regulation 2(1) and schedule 1 to the Education (Grammar School Ballots) Regulations 1998) it may be subject to a stand alone ballot as set out in this annex.

27. For a ballot to be held a valid petition must be received by the Academy and the Young People’s Learning Agency (YPLA) acting on behalf of the Secretary of State (from hereon the ‘Secretary of State’).

Petitions for a ballot -general

28. The following paragraphs govern the procedure for ballots to remove selection from Academies which were formerly designated as maintained grammar schools:

29. Parents will first need to petition for the removal of selection. If a petition is valid then the Academy will be required to conduct a ballot. If a ballot is successful the Academy will be required to remove selection in accordance with paragraph 61.

Restriction on publication of material etc relating to ballots

30. This annex applies the provisions of section 107 of the School Standards and Framework Act 1998 in relation to Academy selection ballots

¹¹ A “stand alone ballot” is a ballot which relates to a stand alone grammar school as defined in regulation 11(1)(c) of the Ballots Regulations.

except that where 'a ballot under section 105' is mentioned, substitute 'a ballot under Annex E to the funding agreement'

Meaning of "eligible parent"

31. A parent is eligible to sign a petition and vote in a ballot if that person is a registered parent of a child who is a pupil at a feeder school for the Academy in respect of which the ballot is being held or the petition raised.

32. A parent of the following description is not an eligible parent

- a. a parent who is not an individual (such as a corporate parent);
- b. a parent who is resident outside the United Kingdom;
- c. if their child is over compulsory school age on the date in question;
- d. if, on the date in question their child is over the transfer age group for the Academy in question.

33. A parent's residence shall be determined by reference to the address contained in the admission register required to be kept by the Education (Pupil Registration) Regulations 2006; and a parent's residence shall be determined by the Academy.

34. "Transfer age group" means the highest relevant age group for that Academy, disregarding any relevant age group in which the majority of the pupils admitted to the school are over compulsory school age;

Meaning of "feeder school"

35. The feeder schools for an Academy are each school from which at least 5 pupils have transferred to the Academy or its predecessor grammar school during the period consisting of the school year in question and the two preceding school years.

36. Any pupils who were over the age of the transfer age group for the Academy or its predecessor grammar school when they transferred to the Academy or its predecessor grammar school shall be disregarded.

Petitions for a Ballot

Petitions for a ballot—general

37. No ballot shall be held unless a request for a ballot is made by means of a petition relating to the Academy is sent to the Academy and YPLA.

38. If there is doubt over whether a ballot is necessary, the YPLA will notify the Academy.

39. The Academy and if there is a dispute, the YPLA, will determine whether a petition is a valid petition. A petition is valid if it complies with

paragraphs 25 – 40.

40. A petition must be received by the Academy Trust during a petition period. "Petition period" means the period from 1st September in one year to 31st July in the next year

41. A petition must be signed by a number of relevant eligible parents which, when taken together with the number of relevant eligible parents who have signed any previous petition relating to the Academy (or its predecessor maintained grammar school) has been received by the Academy (or designated body as set out in regulation 3 of the Education (Grammar School Ballots) Regulations 1998 during the same petition period, is at least 20% of the eligible parent population, or is equal to a previous petition threshold where this has been set within the last five years. This number shall be determined by the Academy.

42. Where an Academy has previously been required to determine the eligible parent population and set a petition threshold, this threshold shall remain in place for any petition received in the following five years.

43. If a parent signs a petition on a date before the beginning of the petition period in which the petition is received, the parent's signature shall be disregarded for the purposes of paragraph 29.

44. The question of whether an eligible parent is a "relevant" eligible parent shall be determined in accordance with paragraphs 41-42.

45. If the same parent signs a petition more than once or signs more than one petition relating to the same Academy any petition period, any signature in excess of one shall be disregarded; and

46. Where a parent signs a petition but the information referred to in paragraph 38 is not included, or not included in a legible form, that parent's signature shall be disregarded.

47. The Academy will request a list of the names and addresses of relevant eligible parents from its feeder schools. It will also request a list of eligible parents which may be made public to the petition organisers. Eligible parents must be asked for consent for their details to be used for the purpose of the ballot, and given the opportunity by the relevant feeder schools to remove their names from the public list if they do not want their details passed to petition organisers. The Academy will supply a copy of the public list of parents to any petition organiser who requests it.

Form of petition

48. A petition shall on each sheet state the Academy to which it relates

49. A petition shall, on each sheet, contain the following words:--

"We the undersigned, being eligible parents, seek a ballot on whether the listed Academy which selects by academic ability should continue to do so."

50. In relation to each parent who signs a petition the following information shall be given—

- a. the first name and surname and address of the parent;
- b. the name of a child of that parent who is a pupil at a school which is a feeder school for the Academy to which the petition relates who, at the date on which the petition is signed, is of compulsory school age; and
- c. the name of the school which the child named in the petition is attending; and
- d. the date on which the parent signs the petition.

51. The petition shall give the name and address of the person ("petition organiser") to whom notification should be given as to whether the petition is valid.

52. Where the Academy has given the notification required by paragraph 39 that a valid petition has been received, any subsequent petition relating to the same Academy shall not be valid unless

- a. the subsequent ballot is in favour of retaining selective admission arrangements; and
- b. no person signs it before the end of the moratorium period for the Academy.

Meaning of "relevant eligible parent" and "parent population"

53. A parent is a relevant eligible parent if the feeder school confirms he is an 'eligible parent' or if the Academy Trust is satisfied by other means that a parent is an 'eligible parent'.

54. Parent population means the total of eligible parents

Notification of result of petition

55. Where the petition is a valid petition the Academy shall notify the persons referred to in paragraph 44 of this fact and that a ballot will be held.

56. The persons to be notified are—

- a. the YPLA
- b. the local authority in which the Academy is situated;
- c. the Secretary of State

- d. the petition organiser(s);
- e. the governing body or proprietor of each feeder school for the Academy.

57. Where the petition is not a valid petition the Academy shall notify the petition organiser and ask him to inform other petitioners.

Ballots

Eligibility to vote in a ballot

58. The persons eligible to vote in a ballot are the persons who are "relevant eligible parents".

Question on which ballot is to be held

59. Each ballot paper shall include the following wording--

"Are you in favour of [name of Academy] introducing admission arrangements which admit children of all abilities?

Place a cross (X) in the box of your choice.

YES	
-----	--

NO	
----	--

 "

Ballots--supplementary

60. The Academy will ensure that ballot papers are sent to all parents who are eligible to vote for whom they have been provided with details by the relevant feeder schools. Academies will take all reasonable steps to ensure eligible parents are identified and given the opportunity to vote.

61. Each ballot shall be a secret postal ballot.

62. Each ballot paper shall include the name of the Academy to which it relates.

63. Each parent who falls within paragraph 46 shall have one vote (irrespective of the number of children which a parent may have and the number of schools they attend).

64. The Academy shall secure that the date by which ballot papers must be returned to them shall be—

- a. no later than 10 weeks from the date on which the Academy notified the persons in paragraph 44 that the petition is valid; and
- b. at least 5 weeks from the date on which ballot papers were sent to parents (or if ballot papers were sent on more than one date,

the last such date).

65. Where the Academy has determined the result of a ballot it will forthwith notify the persons mentioned in paragraph 44 of that fact, and, where the ballot is in favour of retaining selective admission arrangements, the date on which the moratorium period will expire.

Declaring a ballot void

66. Subject to paragraph 55 below the YPLA or Secretary of State may declare a ballot void if it appears that—

- a. any requirement of this annex has been contravened
- b. an authority or body referred to in section 107(2) of the School Standards and Framework Act 1998 have failed to comply with the provisions of that section;
- c. persons other than those falling within paragraph 46 have purported to vote in the ballot;
- d. persons who fall within paragraph 46 have been prevented from voting or hindered from doing so freely in accordance with their own opinion by any other person; or
- e. material has been provided, or meetings have been held, in a manner which does not comply with the principles for the production of such material or the standards for the holding of such meetings or debates contained in the Ballot Information Code specified in Schedule 4 of the Education (Grammar School Ballots) Regulations 1998; and
- f. that voting in a ballot is likely to have been influenced to a significant extent as a result of any of those matters.

67. Paragraph 54 shall not apply unless before the date which is two weeks after the ballot result date any person or body referred to in paragraph 56 have requested the Secretary of State in writing to declare a ballot void; specifying the reason for such a request and the grounds on which the person or body considers the ballot should be declared void.

68. The persons or bodies mentioned in paragraph 55 are—

- a. the local education authority within which the Academy is located
- b. the Academy itself or the governing body or proprietor of any feeder school for the Academy;
- c. any 20 or more parents who were eligible to vote in the ballot.

69. Where a request is received under paragraph 55, the Secretary of State shall notify the Academy and the local authority.

70. Where a request is received under paragraph 55 but the Secretary of State determines not to declare a ballot void he shall notify the persons or body who made the request, the Academy to which the ballot relates, and the local authority.

71. Where the Secretary of State declares a ballot void he shall notify the persons mentioned in paragraph 44 of that fact.

72. Where the Secretary of State declares a ballot void, a fresh ballot shall be held and the date by which ballot papers must be returned is no later than 10 weeks from the date of the notification under paragraph 59 above.

Implementation of decision that an Academy should cease to have selective admission arrangements

73. In the case of a successful ballot, the Academy Trust will secure that their admission arrangements are revised so that the Academy no longer has selective admission arrangements.

- a. where the ballot result date is on or before 31st December in any school year – or where the Secretary of State has chosen not to declare a ballot void -, it will determine non selective admission arrangements by the date in paragraph 6 of this annex; and
- b. where the ballot result date is after 31st December in any school year, it will determine non selective admission arrangements in the following determination year, by the 15 April.

Information to be given by the Academy

74. If—

- a. 10 or more persons jointly notify the Academy in writing that they are considering raising a petition; and
- b. the notification nominates one of those persons as the person to receive information from the Academy,

the Academy shall, as soon as practicable, give that person the following information

- c. the names of the feeder schools for the Academy and
- d. the transfer age group for the Academy in question;
- e. the number of parents who would need to sign the petition for it to comply with paragraph 29;
- f. the words to be contained in a petition in accordance with paragraph 37.

- g. where requested, the details of eligible parents who have consented to those details being made available to petition organisers.