

# ADMISSIONS ARRANGEMENTS

## RULE 2 (Social & Medical) PROCESS

1. Purpose of this document
  - 1.1 The purpose of this document is to detail the process that applies to the application of Rule 2 of admission rules for schools within The Claxton Trust.
2. Admission Rule 2: Children with a particular medical or social reason to attend their preferred school
  - 2.1 A panel of governors within the trust ("the panel") considers whether an applicant should be prioritised under Rule 2 for our schools.
  - 2.2 Rule 2 relates to children for whom it can be demonstrated that they have a wholly exceptional medical or social need for attendance at their preferred school and that no other school will suffice.
  - 2.3 Children who were not looked after immediately before being adopted; made subject of a child arrangements order; or special guardianship order can also be considered through the Rule 2 process. Full consideration will be given to points 3.3 and 3.4.
3. Rule 2 Process
  - 3.1 A Rule 2 application will only be considered when at the time of application independent supporting evidence is provided showing that a child, parent or their carer can demonstrate a wholly exceptional medical or social need for attendance at their preferred school and that no other school will suffice.
  - 3.2 An application for Rule 2 is made when, by means of application form (online or paper by ticking the appropriate box) or written communication where a parent/carer explicitly requests consideration under Rule 2.
  - 3.3 An application made by a parent/carer for consideration under Rule 2 must be supported by independent objective evidence for example from a doctor, psychologist, social worker or other professional involved with the child. The evidence must relate specifically and wholly to the school applied for under Rule 2 and must clearly demonstrate why it is the only school that can meet the child's exceptional social and / or medical needs.
  - 3.4 If the requested school is not the nearest school to the child's home address, the panel will want clear reasons why closer schools will not meet the needs of the child.
  - 3.5 In exceptional cases relating to a disability and where more than one school in the county can meet the child's specific needs, a clear and compelling case must be made for the "nearest" school with the relevant facilities, environment or location.
  - 3.6 Applications that are received without independent objective professional evidence will not be considered and the application will be processed in accordance with the next highest appropriate criterion.
  - 3.7 Supporting evidence/information will only be considered by the panel if they are sent directly to the school prior to the application deadline.

- 3.8 Rule 2 applications can only be considered after the initial application stage on the following grounds:
- There has been a significant and exceptional change of circumstances which prevented a Rule 2 application being made at the time of the school application being submitted. *An example of this could be a newly diagnosed medical condition that was not previously in existence.*
  - If new evidence is disclosed which was not reasonably available at the time of the original Rule 2 hearing. *An example of this could be a medical condition that has changed significantly since the initial Rule 2 hearing.*

The Rule 2 panel will only consider a case after the initial application stage if one of the above grounds apply. If the Rule 2 panel accept an exceptional change of circumstances and the new evidence submitted, they will consider the Rule 2 case in its entirety and consideration will be given to points 3.3 and 3.4.

- 3.9 On each occasion that an application for Rule 2 is considered, the panel will take account of all the previous supporting evidence and related documentation, in addition to the new evidence.
- 3.10 The applicant will be notified of the panel's decision in writing. Decisions will not be communicated by telephone.
- 3.11 Transfer process (Secondary Transfer or Under 11s) applicants will be notified of the panel's decision once all Rule 2 applications have been considered. Decision letters will be sent to parents/carers who applied on-time, within 40 working days of the closing date for applications. Decision letters relating to the first and second rounds of continuing interest will be sent in the week prior to allocations being released.
- 3.12 When an application for Rule 2 is received in respect of an In Year admission, parents/carers will be notified of the outcome of the panel's decision by letter within 5 working days of the panel meeting.

#### 4. The Panel

- 4.1 The panel will be convened whenever Rule 2 applications are received. The panel will also meet as required during the transfer admissions process to consider submissions for on-time applications, late applications, applications from outside of Hertfordshire and submissions made at the first and second round of continuing interest so that a response can be issued in accordance with Paragraphs 3.10 and 3.11 above.
- 4.2 The panel will comprise of a total of three local governors from any schools within the trust.
- 4.3 The list of panel members is not fixed and may change at any point in the academic year. For each panel meeting, panel membership will be reviewed to avoid any conflicts of interest by ensuring:
- no panel members have direct family relationships with the family/child in question
  - no panel members have children in the same cohort as the applicant who is being considered under the Rule 2 admission criteria

#### 5. Decision Making

- 5.1 The panel will consider all written submissions made by parents/carers including the independent supporting evidence and reach a decision. The panel will make each decision based

on the strength of the evidence provided, although the panel is not bound to accept recommendations contained within the independent supporting professional evidence.

- 5.2 The decision reached by the panel will be based on the view of the needs of the child within an educational context. Where necessary the panel will ask for clarification from other professionals within the local authority Admissions Team, about issues such as the availability of special resources within schools outside the trust and their ability to make reasonable adjustments. In accordance with the Equality Act 2010, the panel can also seek clarification from parents/carers on the case they have made where they feel that this is necessary.
- 5.3 To ensure consistency of decision making the panel will refer to this process document and other relevant legislation when considering cases. The panel are not bound by the decisions of other panels, such as those set up by individual governing bodies to consider social or medical applications, who may have considered the case in a previous admission rounds.
- 5.4 When making their decision the panel will have regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
- 5.5 The panel will either uphold or reject an application to be prioritised under Rule 2 having considered the written evidence before it and being mindful of the relevant Equality Act and Human Rights considerations. The panel will not invite the applicant to reapply where the case is rejected.
- 5.6 The panel meeting will include creating a record of the panel's decisions in each case.

## 6. Consideration of Factors

- 6.1 When making decisions the panel is mindful that all Hertfordshire schools are able to work with special educational needs and are expected to accommodate severe medical needs. Therefore, it is unlikely that an application on these grounds would be successful unless it can be shown that only the preferred school can meet the needs that have been identified. Hertfordshire schools support, and are able to support, children with a wide range of abilities, special needs, disabilities and learning difficulties, from able, gifted and talented pupils to those with multiple and significant disabilities, medical conditions and learning difficulties.
- 6.2 Medical priority will be given to children who have an exceptional illness or disability (for example, restricted mobility) which means that, in the opinion of the panel, they can only reasonably attend one school. In general, if the panel feels that the child's needs could reasonably be met by school(s) other than the school for which Rule 2 is being requested, it will reject the application under the Rule 2 criterion and the application will then be processed in accordance with the next highest appropriate criterion.
- 6.3 Social priority will be given to children whose education would, in the opinion of the panel, be seriously affected if they did not go to a particular school and this is clearly detailed within the independent supporting evidence. The family's circumstances will be considered.
- 6.4 An application made solely for continuity of education (for example nursery to reception) is not in itself a consideration under Rule 2.
- 6.5 When making their decision, the panel will consider whether they are satisfied that the independent supporting evidence shows that a child, parent or their carer can demonstrate a wholly exceptional medical or social need for attendance at their preferred school and that no other school will suffice.
- 6.6 The School Admissions Code confirms that only schools designated as having a religious character (commonly known as faith schools) are allowed to prioritise children on the basis of

faith-based oversubscription criteria and allocate places by reference to faith. Accordingly, the panel will not uphold an application under Rule 2 made solely on the grounds of an applicant's religious beliefs.

## 7. Equalities and Human Rights Implications

7.1 The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

7.2 The Equality Act 2010 requires admitting authorities to:

- have due regard to the need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.3 The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. The admitting authority, when exercising its functions, will take into account parents' reasons for expressing a preference, though this may not necessarily result in the allocation of a place.

## 8. Cases considered during the Continuing Interest or In Year stage

8.1 If a Rule 2 is upheld for a child in relation to a school where the year group is full, the child will only be admitted to the school if a place becomes available and if the child has sufficient priority on the continuing interest list.

## 9. Appeal Process

9.1 The panel's decision is final and there will be no right of appeal to the admitting authority against the refusal of a decision made under this rule.

9.2 However, all parents will have the right of appeal to an independent admission appeal panel, if their standard (i.e., not under Rule 2) application to a school is unsuccessful.