

ANNEX B

THE ADMISSION OF PUPILS TO THE ASTON UNIVERSITY ENGINEERING ACADEMY BIRMINGHAM

GENERAL

1. This annex may be amended in writing at any time by agreement between the Secretary of State and the Aston University Engineering Academy Birmingham (AUEAB) Trust.
2. The AUEAB Trust will act in accordance with, and will ensure that the 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 Children, Schools and Families (“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 law to “admission authorities” shall be deemed to be references to the governing body of the AUEAB Trust.
3. Notwithstanding the generality of paragraph 2 of this Annex B, the AUEAB Trust will take part in the Admissions Forum set up by Birmingham LA and have regard to its advice; and will participate in the co-ordinated admission arrangements operated by Birmingham LA and the local in-year fair access protocol.
4. Notwithstanding any provision in this Agreement, the Secretary of State may:
 - a) direct the AUEAB Trust to admit a named pupil to the Aston University Engineering Academy Birmingham on application from a local authority. Before doing so the Secretary of State will consult the AUEAB Trust.
 - b) direct the AUEAB Trust to admit a named pupil to the Aston University Engineering Academy Birmingham if the AUEAB 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.
5. The AUEAB Trust shall ensure that parents and ‘relevant children’ will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the AUEAB Trust. The Independent Appeal Panel will be independent of the AUEAB Trust. The arrangements for appeals will comply with the School Admission Appeals Code published by the Department for Children, Schools and Families as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.
6. The AUEAB Trust shall prepare guidance for parents and relevant children about how the appeals process will work and provide them with a named contact who can answer any enquiries they may have about the process. The AUEAB Trust may, if it chooses, enter into an agreement with a LA or any other organisation for it to recruit, train and appoint appeal panel members, and to arrange for the process to be independently administered and clerked.

- 7A. In paragraphs 5 and 6 above, 'relevant children' means:
- a) in the case of appeals for entry to a sixth form, the child, and;
 - 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.

Relevant Area

7B Subject to paragraph 7C, "relevant area for consultation" means the "Relevant Area" determined by Birmingham Local Authority for maintained schools in the area (in accordance with the meaning of "Relevant Area" within the School Admissions Code).

7C. If the Academy does not consider this meaning to be appropriate, it must apply to the Secretary of State by 1 August for a determination, setting out the reasons for this view.

7D. The Secretary of State will consider the Academy's application and will by 30 September either:

- a. determine the area for consultation; or
- b. determine that the meaning within paragraph 8 should apply.

7E. The Secretary of State may consult the local authority before making such a determination

7F. Within 14 days of the Secretary of State's determination, the Academy will notify the consultees listed in paragraph 8 of the determination.

7G. In the event of a paragraph 7Da determination, a map of the relevant area (or a list of post-codes) will be attached as an appendix to this Annex B.

ANNUAL PROCEDURES FOR DETERMINING ADMISSION ARRANGEMENTS

Consultation

8. The AUEAB Trust shall consult the following parties on the Academy's proposed admission arrangements for a minimum of eight weeks between 1 November and 1 March in the 'Determination Year'¹:

- a) Birmingham Local Authority;
- b) the admission fora for Birmingham, Sandwell, Dudley, Walsall, Wolverhampton, Solihull, Coventry, Staffordshire, Warwickshire and Worcestershire local authorities;
- c) any other admission authorities for secondary schools located within the relevant area for consultation;
- d) any other governing body for secondary schools (as far as not falling within paragraph c)) located within the relevant area for consultation;
- e) affected admission authorities in neighbouring local authority areas;
- f) parents living in the relevant area for consultation whose children have attained the age of eleven but are not above compulsory school age and who are or will be eligible to apply to be admitted to the Academy;
- g) community groups which the Academy considers relevant;
- h) Teaching Unions if the consultation includes an increase in admission number;
- i) 6th form and FE colleges in the Birmingham, Sandwell, Dudley, Walsall, Wolverhampton, Solihull, Coventry, Staffordshire, Warwickshire and Worcestershire areas.

Such consultation shall be in line with the requirements of the Codes and relevant admissions legislation, which at the date of this Agreement is section 89 of the School Standards and Framework Act 1998 as amended, and Regulations under that section.

9. From 2011-12, and for subsequent years, consultation in line with paragraph 8 is not required in any year where the following conditions are met:

- a) the admission arrangements were consulted upon in one or both of the previous two years; and
- b) there have been no changes, or proposed changes, since the last consultation.

10. As soon as any changes are made to arrangements, or proposed, the consultation cycle in paragraph 8 must be followed for the next determination year.

¹ 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.

AUEAB Trust Determination of Admission Arrangements

11. The AUEAB Trust will consider comments made by those consulted in accordance with paragraph 8, including any requests to amend the proposed admission number, before determining the admission arrangements for the Aston University Engineering Academy Birmingham.

12. The AUEAB Trust will determine the Academy's admission arrangements annually by 15 April of the Determination Year and notify consultees listed in paragraph 8 what has been determined within 14 days of that decision being made.

Representations about Admission Arrangements

13. Where the AUEAB Trust has determined the Academy's admission arrangements and notified all consultees listed in paragraph 8, if any of those persons or bodies objects to the Academy's admission arrangements, including the proposed admission number, they can make representations to the Secretary of State. Any representations must be made by 30 June in the Determination Year.

Secretary of State's Consent for Changes to Admission Arrangements

14. Where the admission arrangements determined in a Determination Year in accordance with paragraph 12 are different from the admission arrangements currently in existence for the Academy, the AUEAB Trust shall by 30 June in the Determination Year apply to the Secretary of State for him to consent to such amended admission arrangements.

Secretary of State's Power to Accept, Modify or Reject Admission Arrangements

15. Where the Secretary of State has received any representations made in accordance with paragraph 13, the Secretary of State must consult the AUEAB Trust on such representations. Following such consultation, by 31 July in the Determination Year the Secretary of State may direct that the AUEAB Trust amends the proposed admission arrangements for the Aston University Engineering Academy Birmingham. The AUEAB Trust shall comply with any such direction.

16. Where the Secretary of State has received an application made in accordance with paragraph 14 seeking his consent to any amended admission arrangements, the Secretary of State must by 31 July in the Determination Year either approve the amended admission arrangements or direct that the amended admission arrangements are not implemented or must be modified. The AUEAB Trust must comply with any such direction.

Publication of Admission Arrangements

17. The AUEAB Trust shall each Determination Year publish the Aston University Engineering Academy Birmingham's agreed admission arrangements by:

- a) copies being sent to the persons consulted in paragraph 8;
- b) copies being sent to secondary schools in the Birmingham LA area;
- b) copies being sent to the offices of Birmingham LA;

- c) copies being made available without charge on request from the Aston University Engineering Academy Birmingham;
 - d) copies being sent to public libraries in the area of Birmingham LA for the purposes of being made available at such libraries for reference by parents and other persons.
 - e) a copy being uploaded to the Academy's website.
18. The published admission arrangements will set out:
- a) the name and address of the Aston University Engineering Academy Birmingham and contact details;
 - b) a summary of the admission policy, including full oversubscription criteria and any arrangements for post-16 admission;
 - c) a statement of any religious affiliation if relevant;
 - d) numbers of places and applications for those places in the previous year; and
 - e) arrangements for hearing appeals.

Proposed Changes to Admission Arrangements by the Aston University Engineering Academy Birmingham after arrangements have been published

19. Subject to paragraph 20, once the Aston University Engineering Academy Birmingham's admission arrangements have been determined for a particular year and published, the AUEAB Trust will not make any change to such arrangements unless there is a major change of circumstances and the following procedures have been followed:

- a) the AUEAB Trust has consulted those who are required to be consulted under paragraph 8 above on the proposed variation;
- b) following such consultation, the AUEAB Trust has applied to the Secretary of State to approve the change setting out:
 - i) the proposed change;
 - ii) reasons for wishing to make such a change;
 - iii) any comments or objections to the proposal from those consulted; and
- c) following such application, the Secretary of State has provided his consent to the proposed variation.

20. The AUEAB Trust shall following the prior written agreement or direction of the Secretary of State vary the Academy's admission arrangements where such changes are necessary to ensure compliance with the relevant provisions of admissions law or the Codes as they apply to maintained schools. Such changes may be made at any time.

21. Any changes to the Academy's admission arrangements brought about through the variation processes in paragraphs 19 or 20 above must be published within the Academy's prospectus and on its website (if it has one) and be communicated within 7 days to those persons who must be consulted under paragraph 8.

22. The AUEAB Trust must make arrangements for a parent of a child who has attained the age of two but is not above compulsory school age and who has been, is or will be eligible to apply to be admitted to the Aston University Engineering Academy Birmingham to make representations to the Secretary of State that any aspect of the Academy's admission arrangements does not comply with the relevant provisions of admissions law or the Codes as they apply to maintained schools.

23. Where a representation is made in accordance with paragraph 22, the Secretary of State may, after consulting the AUEAB Trust, direct that the AUEAB Trust modify its arrangements for the admission of pupils to the Aston University Engineering Academy Birmingham so that they comply with the relevant provisions of admissions law and the Codes as they apply to maintained schools. The AUEAB Trust must comply with any such direction.

24. Records of applications and admissions to the Academy shall be kept by the AUEAB Trust for a minimum period of ten years and shall be open for inspection by the Secretary of State.

PROCEDURE FOR ADMITTING PUPILS TO THE ASTON UNIVERSITY ENGINEERING ACADEMY BIRMINGHAM

Admission Number(s)

25(a) The AUEAB Trust has the following agreed admissions numbers for the Academy for the year 2012/2013 and, subject to any changes approved or required by the Secretary of State, for subsequent years:

120 places for students in Year 10

25(b) The Aston University Engineering Academy Birmingham operates a sixth form for a total of 360 students. 180 places overall will be available in Year 12 (the Year 12 'capacity').

The admission number for Year 12 is 60.

This is the number of places which will be offered on an annual basis to eligible external applicants.

If fewer than 120 of the Academy's own Year 11 pupils transfer into Year 12, additional external pupils will be admitted until Year 12 meets its capacity of 180.

26. In any specific year, the AUEAB Trust may set a higher admission number than the Aston University Engineering Academy Birmingham's agreed admission number for an applicable year group. Before setting an admission number higher than its agreed admission number, the AUEAB Trust will consult those listed at paragraph 8. Pupils will not be admitted in any year group above the published admission number for that year group unless exceptional circumstances apply and such circumstances shall be reported to the Secretary of State.

27. If the Aston University Engineering Academy Birmingham admits a total of 26 pupils in excess of its admission number in any 3 year period it will determine a higher admission number, after consulting those bodies listed at paragraph 8.

Process of Application

28. Arrangements for applications for places at the Aston University Engineering Academy Birmingham will be made in accordance with Birmingham LA's co-ordinated admission arrangements and will be made on the Application Form provided and administered by Birmingham LA.

29. The AUEAB Trust will use the Birmingham Local Authority's timetable for applications to the Aston University Engineering Academy Birmingham each year (exact dates within the months may vary from year to year). This will fit in with the indicative timetable below for the co-ordination of admission arrangements within Birmingham LA, to be agreed by the Birmingham Admission Forum, Birmingham LA, local schools and Academies.

- a) **By September** - The AUEAB Trust will publish in the Aston University Engineering Academy Birmingham's prospectus information about the arrangements for admission, including oversubscription criteria, for the following September (e.g. in September 2011 for admission in September 2012). This will include details of open evenings and other opportunities for prospective pupils and their parents to visit the

Academy. The AUEAB Trust will also provide information in relation to the Aston University Engineering Academy Birmingham to Birmingham LA and other relevant LA's for inclusion in the composite prospectus, as required;

- b) **September/October** - The AUEAB Trust will provide opportunities for parents to visit the Academy;
- c) **31 October** –Application Form to be completed and returned to the pupil's home LA to administer.
- e) **November-February** - Birmingham LA sends list of all applicants ranked in the order they meet the admissions criteria to the AUEAB Trust by the dates agreed in the locally co-ordinated scheme.
- f) **1 March** – applicants' home LAs make offers to parents.

Consideration of Applications for Year 10

30. Where the number of applications for admission is greater than the published admission number, applications will be considered against the criteria set out below. After the admission of pupils with statements of Special Educational Needs where the Aston University Engineering Academy Birmingham is named on the statement, the criteria will be applied in the order in which they are set out below:

- a) Looked After Children in the care of a local authority;
- b) Distance between home address and the nodal point nearest to that address. Distance will be calculated according to a straight line measurement between the applicant's home and the nodal / measuring point (as the crow flies). In the event that a tie break situation occurs for the distance criteria, a random allocation tie break will be used.

Up to 20 places will be allocated to each of six nodal points across the city based on proximity of the applicant's home address to the nearest nodal point. The points have been selected to allow access to the Academy for pupils living in a wider area than that local to the school. Railway stations have been selected as the nodal points for their obvious links to engineering, to allow a good geographical spread of points and to encourage pupils to use public transport when travelling to school. There is one nodal point in each of Birmingham's six area networks.

The points selected are Hall Green Station, Moor Street Station, Perry Barr Station, Stechford Station, University Station and Wylde Green Station.

Should there be fewer than 20 applicants for a given nodal point; the remaining places will be allocated to the applicants living closest to other nodal points.

31. Where fewer applicants than the published admission number for the relevant year groups are received, the Academy Trust will offer places at the Academy to all those who have applied.

Post 16 admission criteria

32. The Aston University Engineering Academy Birmingham has places for up to 360 students in the 16-19 age range and there is an automatic right of transfer to the post-16 section of the Academy from year 11 for those students.

33. After internal transfers, the admissions and oversubscription criteria in paragraphs 30 to 31 will be applied to external applicants who meet the published minimum entry requirements for the courses offered at the Academy. In the event that a tie break situation occurs, this will be decided by distance from the Academy. If a course is full existing pupils at the Academy will be given priority for that course. External pupils will be offered alternative course options according to course availability.

34. There will be a right of appeal to an Independent Appeals Panel for unsuccessful applicants.

Operation of waiting lists

35. Where in any year the Aston University Engineering Academy Birmingham receives more successful applications for places than there are places available, a waiting list will operate until the end of the first term after the start of the school year. This will be maintained by the Academy Trust and it will be open to any parent to ask for his or her child's name to be placed on the waiting list.

36. Children's position on the waiting list will be determined solely in accordance with the oversubscription criteria set out above. Where places become vacant they will be allocated to children on the waiting list in accordance with the oversubscription criteria.

Arrangements for admitting pupils to other Year Groups, including to replace any pupils who have left the Aston University Engineering Academy Birmingham

37. From 2011-2012 local authorities will co-ordinate admissions for in-year applications and for applications for year groups other than the normal point(s) of entry. This will not affect Academies' right to determine which applicants have priority for admission.

38. Subject to any provisions in the Birmingham LA's co-ordinated admission arrangements relating to applications submitted for years other than the normal year of entry, the AUEAB Trust will consider all such applications and if the year group applied for has a place available, admit the child unless one of the permitted reliefs applies. If more applications are received than there are places available, the oversubscription criteria shall apply. Parents whose application is turned down shall be entitled to appeal.

Arrangements for Admission of pupils as the Aston University Engineering Academy Birmingham builds to its Full Capacity

39. The Aston University Engineering Academy Birmingham will open on 1 September 2012 with a Published Admission Number relating solely to pupils in Year 10 and Year 12.

40. Admission to Year groups without a Published Admission Number will be based upon the size of teaching groups already existing in the Aston University Engineering Academy Birmingham and the efficient use of resources.

41. There will be a right of appeal to an Independent Appeal Panel for unsuccessful applicants.