



**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE - 22 JANUARY 2019**

SCHOOL ADMISSIONS AND APPEALS IN LEICESTERSHIRE

**REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY
SERVICES**

Purpose of the Report

1. The purpose of this report is to inform the Children and Families Overview and Scrutiny Committee of:
 - (a) The current arrangements and performance data for admissions and appeals in Leicestershire's maintained schools and academies;
 - (b) The risks, challenges and priorities in relation to the future allocation of school places;
 - (c) To briefly outline the local authority's duties concerning school attendance in Leicestershire.

Policy Framework and Previous Decisions

2. For School Admissions and Appeals, the Education Act 1996 places a statutory duty on the County Council to:
 - (a) Ensure a sufficient supply of school places with a view to securing diversity of provision and increasing opportunities for parental choice;
 - (b) Exercise its education functions with a view to promoting high standards.
3. The School Standards and Framework Act 1998 (SSFA 1998) outlines, through the associated School Admissions Code and the Schools Appeals Code, the statutory responsibilities on councils in terms of admissions and appeals.
4. In March 2018, the Cabinet agreed a variation to the local authority's School Admissions Policy, to avoid the risk of being challenged for non-compliance with the national School Admissions Code. The agreed variation ended the practice, as part of Leicestershire's policy, of guaranteeing all children a place at their catchment school even if it exceeded the admission number. More recently, in response to Adjudicator determinations that found two Leicestershire academies in breach of the Code (for attaching attendance conditions to their 'feeder' criterion in their oversubscription criteria);

Leicestershire County Council has removed this condition to avoid challenge and to further ensure Code compliance.

5. In terms of school attendance, the legal framework that underpins this area of work forms part of sections 434(1)(3)(4)&(6) and 458(4)&(5) of the Education Act 1996 and the Education (Pupil Registration) (England) Regulations 2006-2016 that are detailed in the School Attendance Guidance last issued by the Department for Education (DfE) earlier this year.
6. More locally all local authorities are required to have a Code of Conduct document policy in which local requirements are set out. The current Leicestershire Code of Conduct was last reviewed in 2013. However, it has more recently been revised and changes will be implemented in the autumn term 2019 following prior consultation with schools.

Background

Admissions

7. The statutory duty placed on the County Council requires that sufficient school places are available within its area for every child of school age whose parents wish them to have one. This ensures that the County Council is able to:
 - promote diversity, parental choice and high quality educational standards;
 - ensure fair access to educational opportunity; and
 - help to fulfil every child's educational potential.
8. All county councils (including other admitting authorities) must determine their admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements. If no changes are made to admission arrangements, they must be consulted on at least every seven years. The School Admissions Code requires the consultation to run between 1 October and 31 January for a minimum period of six weeks.
9. The School Admissions Code places other mandatory obligations on the County Council in terms of compliance with national closing dates and offer dates, how appeals will be conducted, reporting arrangements to the Office of the Schools Adjudicator (the regulatory body for the oversight of fair admissions and appeals), and the operation of Fair Access Protocols.
10. In terms of the application of the School Admissions Code, academies, studio schools and certain types of other schools are defined as 'own admission authorities', and therefore have direct responsibility for the application of fair admissions and appeals. The table below further clarifies the position.

Type of School	Admission authority	Responsibility to deal with complaints about arrangements	Responsibility for appeals against refusal of a place at a school
Academies (inc Free Schools and Studio Schools)	Academy Trust	Schools Adjudicator	Academy Trust
Community Schools	Local Authority	Schools Adjudicator	Local Authority
Foundation Schools	Governing body	Schools Adjudicator	Governing body
Voluntary aided schools	Governing body	Schools Adjudicator	Governing body
Voluntary controlled schools	Local Authority	Schools Adjudicator	Local Authority

Appeals

11. There is no statutory duty placed on the County Council to lead on providing an appeals service. Schools are free to engage private providers to run their appeals should they wish.
12. The requirements of an appeal are laid out in the national School Admission Appeals Code (February 2012) issued under Section 84 of SSFA. The purpose of this Code is to ensure the independence of admission appeal panels and to ensure that all admission appeals for maintained schools and academies are conducted in a fair and transparent way. The Code is enforceable in law, and designed to give admission authorities the freedom they need to run the appeals process efficiently, whilst maintaining fairness and transparency.
13. The School Admission Appeals Code imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions by the bodies listed below:
 - a) **admission authorities of maintained schools** as defined in Section 88(1)(a) and (b) of the School Standards and Framework Act 1998;
 - b) **governing bodies and local authorities** (when not admission authorities);
 - c) **admission appeal panels.**
14. These bodies have a statutory duty to act in accordance with the relevant provisions of the Code. Academies can choose who they wish to conduct their appeals, although the majority of Leicestershire academies currently buy into the County Council's appeals service. **Appendix C** of the report provides an overview of the appeals process.

Other legislative change

15. As a consequence of new legislation, the educational system in Leicestershire has, and continues to, undergo substantial organisational change. Currently 46 out of 47 Leicestershire secondary schools are academies; whilst 137 out of 225 primary schools are academies. Many schools have also sought to progress age range changes to give either 4-11, 11-16 or 11-19 status.
16. Added to this momentum of change, other types of secondary provision have been introduced for example Studio Schools in Coalville and Lutterworth for 14-16 year olds wishing to follow a hybrid vocational and academic curriculum. More recently, Primary Free Schools (Fossebrook, Hallam Fields and later this year the new Lubbethorpe primary) have been established in Leicestershire. In addition Further Education Colleges are now entitled to admit students from the age of 14.
17. The net effect of this change has been a significant enhancement to the diversity and choice in Leicestershire schools. At the same time, schools and academies have begun to exercise a greater degree of autonomy which makes the process of managing admissions and appeals much more challenging.
18. Coupled to this, there is a much greater awareness by parents of their rights and choices, largely as a result of a determined effort by the County Council to ensure everyone understands how the admissions and appeals process works.

Admissions Policy

19. Leicestershire's admissions policy for entry in September 2020 was approved by the Director of Children and Family Services in November 2018, as part of the chief officer's scheme of delegation. There was no need for approval by the Cabinet as no change to the 2020 admissions policy was proposed. All admitting authorities are eagerly awaiting a new national Admissions Code, but this unlikely to appear until post Brexit, after which it is suspected that most admitting authorities will consult on changes.
20. Leicestershire's admissions policy sets out for schools, under the control of the local authority, school catchment arrangements with the purpose of ensuring that every child has a designated school.
21. The policy also includes an agreed set of priority criteria that are used to rank applications when offering places in Leicestershire. A copy of the priority criteria can be found at **Appendix A** to the report.
22. The majority of Leicestershire schools are academies with their own criteria and policies ratified following a formal consultation process. Whilst most academies have retained the same oversubscription criteria as the local authority's, some have completely moved away from this.

23. Changes in academy policies now appear to confound many parents, particularly where they have been unable to secure a place for their child, even at their catchment school. The changes made by some academies to their admission criteria include:-
- a) Capping the admissions number so as to not overfill beyond this at the intake round and therefore not accepting children that may subsequently move into their catchment;
 - b) Giving siblings a higher ranking;
 - c) Introducing a new criterion of 'children of staff';
 - d) Making changes to catchment areas – some of which now extend outside the county boundaries.

Managing admissions – Leicestershire's approach

25. There are well established and effective practices within the County Council for the management of school admissions, including:
- a) Implementing robust ICT systems designed to support and encourage online applications;
 - b) Producing an annual 'Your Guide to Education in Leicestershire' to advise parents of their choices and the things that should be taken into account when applying for a school place;
 - c) Support through the Customer Service Centre for general advice and the Admissions team for more detailed enquiries;
 - d) The launch of a media campaign each autumn to alert parents to key dates. This has included articles in Leicestershire Matters as well as in other newspapers, and direct marketing to schools and the Diocese, as well as web related media;
 - e) As a further precaution 'chaser lists' to schools are circulated three weeks before the closing date, and direct 'chaser letters' are sent where applications are known to be outstanding.
 - f) A letter sent to every child the October before they are due to start school in September, reminding parents to apply and setting out information on school readiness.
26. Parents are encouraged to apply online as this provides an immediate acknowledgement on submission of the application form. It allows parents to change their mind and to know the offer to them on the national offer date.
27. The key dates relating to the admissions process are as follows:

Secondary:

Closing date 31 October
 Exchange dates with other Councils
 late November
 Provisional allocation list January
 Final allocation list late February
1st March national offer date

Primary:

Closing date 15 January
 Exchange dates with other Councils
 late February
 Provisional allocation list March
 Final allocation list late March
16th April national offer date

28. Where parents have not been able to secure a school of their preference, they are automatically placed on the school's oversubscription (waiting) list (OSL) and are ranked using the appropriate priority criteria. If a place becomes available, parents are contacted automatically by the Admission Team. All OSLs maintained by the Admissions Service are closed at the end of the autumn term (when responsibility will be passed to each school).
29. Any applications received after the closing date will be accepted but are considered only after those received by the closing date. If the allocation of a place has been made on the basis of fraudulent or intentionally misleading information, the admitting authority reserves the right to withdraw the place.

Current demand

30. The number of compulsory school age pupils currently on roll in Leicestershire schools (including academies) is 90,313- 46,835 pupils in primary schools, 42,254 in secondary schools, 1,210 in special schools, and 14 in the Primary Pupil Referral Unit (PRU).
31. Each year the Admissions service deals with approximately 7,200 primary applications for first time admissions and over 7,800 secondary applications. In addition to these, there is now in excess of 7,000 mid-term applications (i.e. applications received outside of the normal transfer cycle). A full breakdown of the number of applications is provided at **Appendix B**.

Admissions Performance

32. The following table illustrates how Leicestershire has performed over the last 4 years.

Year	First Time Admissions 1st pref	Primary Online Figures	Secondary – Transfer 1st Pref	Secondary Online Figures
2018	92.8%	96.7%	90.7%	96.1%
2017	91.3%	93.9%	93.3%	95%
2016	91.7%	96.1%	95.5%	98.8%
2015	88.7%	94.4%	94.2%	98.6%

33. Of particular note are the high levels of online take-up by parents when making either primary or secondary applications. The impact of this to the authority has been a significant decrease in paper based systems and associated costs.

34. In 2018 the Council saw the highest first preferences rates achieved for primary children since 2010. This is as a result of two factors- firstly awareness amongst parents about applying on time and applying for their local school, and secondly because the School Organisation Service has continued to increase the number of places available in schools by 357.
35. Comparisons with the County Council's 'statistical neighbours' shows that in general, Leicestershire achieves well above the England average in terms of children attaining their first preference school at secondary level.

Fair Access Protocol

36. All Leicestershire schools have signed up to the Fair Access Protocol in order to make sure that the most vulnerable children are offered a place at a suitable school as quickly as possible. This includes admitting children above the published admission number of a school that is already full. During the last school year 53 Fair Access cases were dealt with and successfully placed.

Appeals Performance

37. The tables below provide data on appeals considered over the four year period 2015 - 18.

Four Year Appeal Breakdowns for **First Time** Admissions

Primary	Number of applications	Appeals Lodged	Conceded by School/ Council	Withdrawn by parent	Appeals Heard	Appeals Upheld	Appeals Not Upheld
2018	7298	191(2.6%)	61	37	93	5(5.6%)	88
2017	7251	270(3.7%)	101	42	127	23(8.5%)	104
2016	7463	372(5%)	97	66	209	48(13%)	161
2015	7476	453(6%)	113	71	269	71(15.7%)	198

Four Year Appeal Breakdowns for **Secondary** Admissions

Secondary	Number of applications	Appeals Lodged	Conceded by School/ Council	Withdrawn by parent	Appeals Heard	Appeals Upheld	Appeals Not Upheld
2018	7334	435(5.9%)	132	58	245	50(11.4%)	195
2017	6562	403(6.1%)	64	68	271	75(18%)	196
2016	5991	149(2.4%)	33	12	104	37(25%)	67
2015	5866	190(3.2%)	49	23	118	71(37%)	47

Four Year Appeal Breakdown for **Primary Mid-Term** applications

Primary	Number of applications	Appeals Lodged	Conceded by School/ Council	Withdrawn by parent	Appeals Heard	Appeals Upheld	Appeals Not Upheld
2018	6637	464(6.9%)	110	65	289	87(18.7%)	202
2017	6001	437(7.2%)	142	45	251	74(16.8%)	177
2016	5769	318(5.5%)	133	47	138	54(16.9%)	84
2015	5664	226(3.9%)	113	33	79	14(6.2%)	65

Four Year Appeal Breakdown for **Secondary Mid-Term** applications

Secondary	Number of applications	Appeals Lodged	Conceded by School/ Council	Withdrawn by parent	Appeals Heard	Appeals Upheld	Appeals Not Upheld
2018	3363	186(5.5%)	56	29	101	49(26.3%)	52
2017	2244	137(6.1%)	44	20	73	36(26.2%)	37
2016	1797	54(3.0%)	18	9	27	18(33.3%)	9
2015	1711	33(1.9%)	11	3	19	12(36.3%)	7

38. As illustrated above there has been an increase in the number of secondary appeals being lodged. Analysis of the figures indicates that this is attributable to an increase in popularity of certain schools, schools reducing their admission numbers in response to the age range change and schools capping their in-take.
39. The tables also illustrate a significant fall in primary school appeals over the last four years and an increase of appeals in both primary and secondary schools for mid-term applications. It should be noted that overall the number of schools receiving appeals has increased, including those which have previously not had appeals.
40. Over the last four years, fewer appeals have been successful for first time admission and secondary level. However, more appeals have been successful for mid term applications.

The Challenges ahead

41. There is significant ongoing change to the Leicestershire educational system, which can be evidenced by schools wishing to:
- convert to academy;
 - implement age range change (there are five high and three upper schools that have not yet become all through schools)
 - move away (for academies) from the County Council's admissions arrangements;
 - further develop Multi Academy Trust arrangements
42. In addition to the above, there are also schools moving through academy sponsorship due to performance issues and the emergence of new (free) schools as part of the strategy for additional places.
43. The changing environment is having a significant impact on some parents, who are worried about making the right choices for their children. In response to these concerns the Admissions Team is proactively ensuring that there is detailed information on the County Council website and through Customer Service Agents to enable parents to make informed decisions.
44. The other significant challenge is the large increase in the number of mid-term (in-year) applications received. The popularity of some schools has significantly increased with more applications received for limited places.

Also the occupation of new housing is also contributing to increased mid-term applications.

Key Areas for Action

45. In the light of the above challenges there are three key areas for action to be addressed by the Admissions Service:-
- Continuing to develop the strategic approach, placing emphasis on the effectiveness of the planning for additional school places;
 - Strengthening the relationship with academies, to ensure greater co-ordination of the admissions process and catchment arrangements;
 - Meeting increased demand by reviewing the availability and deployment of resources within the Admissions Service and the effectiveness of systems and procedures.

Delivery of School Place Planning Strategy

46. The admissions and appeals arrangements are closely linked to the planning of school places, which is intended to ensure that the County Council keeps abreast of the future demand for school places.
47. At its meeting on 3 March 2014, the Children and Families Overview and Scrutiny Committee considered the strategy 'In the Right Place - Strategy for the Provision of School and Other Learning Places in Leicestershire 2014/18'.
48. The eight key priorities outlined in the Strategy include:
- i. Giving priority to the demand for additional primary school places within the capital programme;
 - ii. Ensuring there is a good supply of secondary places in each locality, offered through well planned , sustainable and viable solutions, underpinned by robust funding arrangements;
 - iii. Securing sufficient capital funding to fulfil the commitment to the programme of Area Special School development;
 - iv. Ensuring that basic need capital allocated to the County Council is targeted towards meeting the need for additional places arising from increased births and general demographic change;
 - v. Seeking to support opportunities to address structural change to the pattern of education, for example age range changes, where this can be linked to basic need requirements in the locality, and where there is a robust case for change;
 - vi. Working with each district council, housing developers, maintained schools and academies to ensure that appropriate contributions are received for new school places arising from new housing;
 - vii. Supporting the development of a vibrant and sustainable mixed market approach to the provision of school and other learning places in Leicestershire, so as to promote the best possible choice and diversity;
 - viii. Further developing strong arrangements for the management of County Council assets, and strengthening the relationship with academies, to ensure all school buildings (irrespective of their designation and howsoever funded) are maintained and fit for purpose.

49. A copy of the strategy may be accessed via the following link –

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2016/1/21/In-the-right-place-school-places-strategy.pdf>

50. The strategy will be refreshed in the near future as other local and national policy drivers become clear, although most of the priorities are expected to remain. The revised strategy will recognise that the increase in primary school pupil numbers evident over the last few years will soon start to impact on the availability of secondary places. It will also link to separate work concerning the sustainability of schools arising from school budget reform, and the increased demand for SEND provision.

Conclusions

51. The County Council has robust and effective arrangements in place for the management of admissions and appeals as confirmed by performance data and informal feedback from schools /parents. Nevertheless, the education environment is still undergoing rapid change and the Admissions Service will need to keep pace with this through further improvements to its working practices.
52. The change underway has the capacity to improve the choice and diversity in Leicestershire schools and, coupled with admission arrangements, will help enable good access to them. The key areas for action set out in this report are intended to help ensure that the County Council continues to provide a high quality service and the maximum degree of support for schools, parents, and children and young people.

Background Papers

Leicestershire's School Admission Policy and associated co-ordinated schemes - <https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-admissions/school-policies>

Circulation under the Local Alert Issues Procedure

53. None.

Equal Opportunity and Human Rights Implications

54. The underlying purpose of the admissions and appeals service is to ensure that the County Council satisfactorily meets statutory obligations to ensure that all parents, children and young people are able to access good or outstanding schools, and offered real choice and diversity of educational provision. Wherever new policies or changes to existing policies are considered they are subject to an Equality and Human Rights Impact Assessment as part of any proposals for change to ensure that individuals are not disadvantaged or discriminated against.

Risk Assessment

55. The risks to the County Council arising from admissions and appeals are kept under regular review by the Children and Family Services School Admissions and Pupil Services team; and for matters relating to wider school place planning issues by the Head of Service for Education Sufficiency.

Appendices

Appendix A - Priority criteria for entry autumn 2019 admissions and mid-term applications during 2019 / 2020 academic year

Appendix B - Breakdown of admission applications

Appendix C - Overview of the appeals process

Officers to Contact

Jane Moore, Director of Children and Family Services
Tel 0116 305 7441 email: jane.moore@leics.gov.uk

David Atterbury, Head of Service, Education Sufficiency,
Tel 0116 305 7729 email: david.atterbury@leics.gov.uk

Gurjit Bahra, Service Manager, School Admissions and Pupil Services,
Tel 0116 305 6324 email: Gurjit.bahra@leics.gov.uk

Priority Criteria for Entry Autumn 2019 Admissions and Mid-term Applications during 2019/2020 Academic Year

If there are too many requests, priority will be given to children, whose parents applied on time, in the following order (see note i below):-

- 1st** Children who are in public care and those children who were previously looked after children. (*See note ii.*)
- 2nd** Pupils who live in the catchment area. (*See note iii.*)
- 3rd** Pupils who will have an older brother or sister attending the same school at the same time. (*See notes iv and v.*)
- 4th** Pupils who have a serious medical condition or exceptional social or domestic needs that make it essential they attend the school requested. (Professional documentation confirming the situation must be submitted with the application.) (*See note vi.*)
- 5th** Pupils who are attending a feeder school at the point of application. (*See note vii*)
- 6th** Pupils starting at an infant school with a sibling attending at the same time in the linked junior school (*see note iv.*)
or
Pupils transferring to high school who will have an older brother or sister attending the linked upper school at the same time. (*See note iv.*)
- 7th** Pupils basing their application on grounds of 'belief'. (*See note viii.*)
- 8th** Pupils living nearest to the school measured in a straight line distance (home to school front gate). (*See note ix.*)

Notes:

- i. Combinations of the above criteria are used where appropriate, in priority order.
- ii. A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order Section 19 or special guardianship order).
- iii. The child's place of residence is taken to be the parental home. Living in the catchment area does not guarantee you a place at your catchment school.
- iv. The term "brother or sister" includes half brother or sister or legally adopted child being regarded as the brother or sister.
- v. Regarding brothers or sisters who will be of sixth form age, these are counted as brother/sister connections for criteria 3 or 6 above.

- vi. If criterion 4 is used, professional supporting documentation from the Lead Professional must be supplied and must be submitted with the application. The following list is the areas that are considered exceptional:-
- Crown Servants
 - Children subject to Child Protection Plans
 - Hard to Place children – who fall under the Fair Access Protocol
 - Parents suffering domestic violence (This is dependent on documentary evidence by a lead professional)
 - A child for who transfer to the catchment area school would involve attending a different school until he/she is the right age for transfer. (This is dependent on the child having attended the present school for at least a year.) Each case will be assessed on its individual merits.
- vii. For criterion 5 above, the child must be on roll at the feeder school at the point of application.
- viii. Criterion 7 above only applies to the schools below, a letter of support from your Minister, Religious Leader or Belief Leader will be required explaining how the school caters for your faith or Belief system:

Blaby Stokes C of E Primary	Broughton Astley Orchard C of E Primary	Castle Donington St Edward's C of E Primary
Coalville All Saints C of E Primary	Cossington C of E Primary	Fleckney C of E Primary
Hinckley St Mary's C of E Primary	Husbands Bosworth C of E Primary	Ibstock St Denys C of E Infant School
Long Whatton C of E Primary	Measham C of E Primary	Quorn St Bartholomew's C of E Primary
Swannington C of E Primary	Swithland St Leonard's C of E Primary	

- ix. For criterion 8 above, measurement of distance is in a straight line from the centre point of the property to the school's main designated front gate, using a computerised mapping system (Geocoding). Where there is equal distance then lots will be drawn, supervised by an independent officer.

Appendix B

First Time Admissions

YEAR	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of applications received on time	6556	6864	6543	6852	6929	7476	7463	7251	7298
Number of FIRST preferences attained	92.9%	92.2%	91.8%	91.8%	89.5%	88.7%	91.7%	91.3%	92.8%
Number of SECOND preferences attained	4.20%	4.3%	4.41%	4.6%	4.7%	5.0%	4.5%	4.9%	4.3%
Number of THIRD preferences attained	0.70%	1.06%	1.01%	0.8%	1.62%	1.4%	1%	1.0%	0.83%
Number of FIRST, SECOND and THIRD	97.8%	97.6%	95.7%	96.9%	95.8%	95.1%	97.3%	97.3%	98%
Number of ONLINE applications	44.5%	58.6%	75.2%	83.5%	91.8%	94.4%	96.1%	93.9%	96.7%

Secondary Transfer

YEAR	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of packs sent out	13775	13406	12686	12224	11155	11152	9832	8550	8284	7334
Number of applications received on time	12863	12359	12119	12076	10877	10794	9707	8424	7832	7078
Number of FIRST preferences attained	97.5%	96.5%	98%	98.1%	97.4%	96.2%	94.2%	95.5%	93.3%	90.7%
Number of SECOND preferences attained	1%	2.5%	1.3%	1.3%	1.5%	1.9%	3.1%	2.3%	3.7%	5.0%
Number of THIRD preferences attained	0.1%	0.2%	0.2%	0.1%	0.1%	0.2%	0.43%	0.21%	0.5%	0.7%
Number of FIRST, SECOND and THIRD	98.9%	99.3%	99.5%	99.5%	98.9%	97.2%	97.8%	98%	97.7%	96.5%
Number of ONLINE applications	47%	55.4%	57.9%	95.8%	97.1%	97.3%	98.6%	98.8%	95%	96.1%
NUMBER OF SURPLUS PLACES	9.7%	18.4%	25%	11%	12%	15%	17%	16%	16%	791

Overview of the Appeals Process

- i) All transfer and FTA appeals must be heard within 40 school days from the deadline of being lodged. The process involves the Admissions Service preparing a detailed statement on behalf of the school detailing the reason for refusal as well as why the school cannot take any further children. A key aspect of the LA's statement will be to evidence that the admission of more pupils would affect the education of other pupils already in the school, and that if there are more pupils admitted to the school then it would prejudice the efficient provision of education as well as the efficient use of resources.

Once the appeal statement is completed parents are written to inviting them to attend the hearing. Panel members receive both the school's case and the parent's case at least two-weeks prior to the hearing.

- ii) On the day of the hearing strict protocol is adhered to administered by the Clerk to the panel. The appeal will run as a two stage process in the following order:

Stage 1-

- a) case for the admission authority;
- b) questioning by appellant(s) and panel;

- iii) Panel decisions range from; up-holding the appeal in favour of the parent at Stage 1 – often when the school have not made a case, to moving on stage two if the case made – that may up-hold some of the appeals or none of the appeals depending on whether the parent's circumstances out weight the school's pressures:

Stage 2 -

- a) case for the appellant(s);
- b) questioning by the admission authority and panel;
- c) summing up by the admission authority;
- d) summing up by the appellant(s).

- iv) Decisions are made after the final appeal is heard, and the clerk will write to the parents within five working days outlining in detail the panel's determination.

Infant Class Appeals

- v) Regulations made under the School Standards and Framework Act 1998 limit the size of an infant class (a class in which the majority of children will reach the age of 5, 6 or 7 during the school year) to 30 pupils per qualified school teacher (this does not include teaching assistants or nursery nurses). Only in very limited and exceptional circumstances can admission over the limit be permitted.

- vi) Therefore, panels considering an infant class size appeal must pay regard to all of the following matters:
 - a) whether the admission of an additional child/additional children would breach the infant class size limit;
 - b) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998;
 - c) whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
 - d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

- vii) The panel **may** only uphold the appeal at the first stage where:
 - a) it finds that the admission of additional children would not breach the infant class size limit; or
 - b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
 - c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

- viii) The panel **must** dismiss the appeal at the first stage where:
 - a) it finds that the admission arrangements did comply with admissions law and were correctly and impartially applied; or
 - b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, the child would not have been offered a place; and it finds that the decision to refuse admission was one which a reasonable *admission authority could have made*.

The decision

- ix) The appeal panel's decision-making is binding on all parties. If the outcome is not in favour of the parent, the only recourse is to complain to the Ombudsman, to contact the Secretary of State or to seek a judicial review. All these courses of action however cannot overturn the panel decision but may if found in the parent's favour require the appeal to be heard again in front of a new panel.

- x) In normal circumstances a parent may only appeal once for the same school per academic year. In very rare instances, a second appeal maybe allowed if the parent can demonstrate a significant and material change in the family's circumstances i.e. a house move.