



**CHILDREN AND FAMILY SERVICES OVERVIEW AND SCRUTINY  
COMMITTEE - 8 NOVEMBER 2022**

**LEICESTERSHIRE SCHOOL ADMISSIONS**

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

**Purpose of the Report**

1. The purpose of this report is to provide the Children and Families Overview and Scrutiny Committee with an overview of the Leicestershire School Admissions responsibilities and how the department delivers these responsibilities.

**Policy Framework and Previous Decisions**

2. For School Admissions and Appeals, the Education Act 1996 places a statutory duty on the County Council to:
  - Ensure a sufficient supply of school places with a view to securing diversity of provision and increasing opportunities for parental choice,
  - 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 local authorities in terms of admissions and appeals.
4. The Council has duties in relation to school admissions both as a local authority to deliver the statutory transfer rounds for all schools (including academies), and as the admission authority for all community and voluntary controlled schools. These duties are:
  - i. to provide advice and assistance to parents when deciding on a school place and allow parents to express a preference (s86(1A) School Standards and Framework Act 1998),
  - ii. for each school, the local authority must publish the prescribed information concerning admissions arrangements for mid-term arrangements including admission numbers,
  - iii. about the admission arrangements for each of the maintained schools in their area, and if regulations so provide, such maintained schools outside their area (s92 SSFA),

- iv. to publish each year a composite prospectus for all publicly funded schools in the area, in Leicestershire known as the Your Guide documents,
  - v. to formulate, publish and adopt schemes to co-ordinate admission arrangements for all publicly funded schools in the area. For statutory transfer rounds, known as first time admissions and secondary transfer, that allow parents to apply to schools whether within Leicestershire or in other local authority areas, and to ensure all transfer within its area are notified of their outcome on national offer dates,
  - vi. to have arrangements for parents to appeal against admissions decisions,
  - vii. to establish and manage a Fair Access protocol for in year admissions,
  - viii. to annually write to parents of prospective schools in their locality with information,
  - ix. about schools with atypical admission ages within the local authority or within reasonable travelling distance,
  - x. to include details of schools with atypical admission ages in the local authority or within reasonable travelling distance in their composite prospectus.
5. The key non-statutory roles are:
- i. To provide own admitting authorities i.e., academies the option to engage with the Council to co-ordinate their mid-term application under the local authority scheme, on a traded basis
  - ii. To offer, on a traded basis, an appeals service to any academy that wishes to purchase this service.
6. 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.
7. All county councils (including other admitting authorities – see below) 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.
8. 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.

9. 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:

<b>Type of School</b>	<b>Admission authority</b>	<b>Responsibility to deal with complaints about arrangements</b>	<b>Responsibility for appeals against refusal of a place at a school</b>
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	Governing body

### **Admissions Policy**

10. 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. The policy also includes an agreed set of priority criteria that are used to rank applications when offering places in Leicestershire.
11. 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.
12. 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.

13. Currently the local authority process school applications against just under 200 academy admissions policies, criteria and arrangements to determine how places are allocated.

### **Appeals**

14. 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.
15. 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.
16. 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:
  - i. admission authorities of maintained schools as defined in Section 88(1)(a) and (b) of the School Standards and Framework Act 1998,
  - ii. governing bodies and local authorities (when not admission authorities),
  - iii. admission appeal panels.
17. 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.
18. All transfer and first Time Admissions 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.
19. A key aspect of the Council'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.
20. 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 of 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.

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

### **Managing admissions – Leicestershire's approach**

22. 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.
23. 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 be informed of the offer to them on the national offer date.

### **Fair Access Protocol**

24. 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.

### **First time Admissions and Secondary Transfers**

25. The Council has a statutory duty to process first time admissions and secondary transfers across all Leicestershire Schools (academies and maintained schools). Everyone must apply for a school place, there is no automatic entry for school. In order to apply for a school place parents and

carers are required to complete an application form via the online portal. Parents and carers are encouraged to apply for three schools (in order of preference), including the catchment school(s).

26. First time Admissions and infant to Junior transfer: the application window for First time Admissions and infant to junior closes on 15 January. After the application window closes the applications are processed in accordance with the schools' admissions criteria and school places are offered on the national offer day; 16 April, or the next working day.
27. Secondary transfer: the application window for secondary transfer closes on 31 October. After the application window closes the applications are processed in accordance with the school's admissions criteria and school places are offered on the national offer day; 1 March ,or the next working day.
28. For first-time admissions to infant and primary school, September 2022 Leicestershire County Council received 7410 on time applications and 92.9% secured their first choice of school and 97.9% secured one of their top three choices. For year 7 secondary school entry in September 2022 there were 7,918 on-time applications. 84.7% secured their first choice and 92.8% secured one of their top three choices.
29. September 2022 has seen the largest ever cohort of children transferring to secondary school (7918 students):

Table 1: 5-year trend in the increase of Year 7 cohorts.

<b>Year</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Number of Students	7372	7400	7304	7918	8025
Number of places	8125	8280	8280	8322	tbc

30. There are enough school places across Leicestershire to meet the demand, however, across the county individual schools and some groups of schools in geographical areas are more popular leading to more applications for these schools than there are places. This means that in these areas or for these individual schools many pupils do not get a place and are offered a place at their next preference school.
31. As set out above, part of the admissions process asks parents and carers to select three schools, including the catchment school. Where parents and carers do not take advantage of listing three schools or do not list their catchment school, there is a risk that they are not successful at securing a school place for their child. Where this happens, they can appeal the decision and they will be given information about the closest school with available places.

### **Mid-Term Transfers**

32. The Admissions Service manages mid-term applications for maintained schools and for academies on a traded basis. Mid-term applications include those children that move into the area (for example, to new housing developments or

as asylum seekers), children that have not received an offer at their preferred school post statutory transfer rounds and children wishing to change school for other reasons.

### **Background Papers**

33. Admissions Policy for September 2023 entry:  
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2022/2/23/LCC-Admissions-Policy-2023-24.pdf>

### **Circulation under the Local Issues Alert Procedure**

34. None.

### **Equalities and Human Rights Implications**

35. 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.

### **Officers to Contact**

Alison Bradley  
Assistant Director, Education, SEND and Commissioning (acting)  
Tel: 0116 305 58825  
Email: [Alison.Bradley@leics.gov.uk](mailto:Alison.Bradley@leics.gov.uk)

Ted Walker  
Head of Service, Education Sufficiency (acting)  
Tel: 0116 305 50725  
Email: [Ted.Walker@leics.gov.uk](mailto:Ted.Walker@leics.gov.uk)

Gurjit Bahra  
Service Manager – Admissions  
Tel: 0116 305 56324  
Email: [Gurjit.Bahra@leics.gov.uk](mailto:Gurjit.Bahra@leics.gov.uk)

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