

CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE - 3
NOVEMBER 2014

MANAGEMENT OF SCHOOL ADMISSIONS AND APPEALS IN
LEICESTERSHIRE

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of Report

1. To inform Children and Families Overview and Scrutiny Committee of:
 - (a) the current arrangements and performance data relative to the management of admissions and appeals in Leicestershire maintained schools and academies;
 - (b) the current position regarding consultation on the draft strategy for the planning of school and other educational places;
 - (c) the risks, challenges and priorities in relation to the future allocation of school places.

Policy Framework and Previous Decisions

2. The Education Act 1996 places a statutory duty on the Local Authority (LA) 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. More specifically, the School Standards and Framework Act 1998 (SSFA 1998), outlines through the associated School Admissions Code, the statutory responsibilities on LA's in terms of admissions and appeals.
4. The Children and Families Overview and Scrutiny Committee has not previously considered the impact to school admissions and appeals, that arise as a consequence to changes to the educational environment and associated legislation, and particularly the introduction of academies.

Background

5. The statutory duty placed on the 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 requires that we are able to promote diversity, parental choice and high quality educational standards; to ensure fair access to educational opportunity; and to help fulfil every child's educational potential.

6. All local 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 7 years. The consultation must run between 1 November and 1 March of the year for a minimum period of eight weeks. However the Department for Education (DfE) has recently closed its consultation on the current School Admissions Codes, in which it proposes to bring forward the window for consultation from 1st October until 1st January, shortening the required consultation to a minimum of six weeks.
7. The Admissions Code places other mandatory obligations on the LA 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.
8. In terms of the application of the Code, academies, studio schools and certain types of other schools are defined as 'own admission authorities', and therefore having direct responsibility for 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 (incl. 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

Other legislative change

9. As a consequence of new legislation, the educational system in Leicestershire is now undergoing substantial organisational change. The majority of secondary schools (91%), and a significant proportion (40%) of primary schools, have now converted to academy status or will do so in the future.
10. Coupled to the academies agenda, many schools have subsequently sought to progress age range changes to give either 4-11, 11-16 or 11-19 status, with 27 schools (20 Secondary and 7 Primary) having

received DfE approval for September 2014 or September 2015 change, and several others now planning change.

11. To add to this momentum of change, other types of secondary provision, for example Studio Schools have started to appear in Leicestershire, and from this year FE Colleges are now entitled to admit students from the age of 14.
12. The net effect of this change has been to significantly enhance the diversity and choice in our schools, but at the same time, as schools and academies begin to exercise a greater degree of autonomy, making the process of managing admissions and appeals much more challenging.
13. Coupled to this, there is a much greater awareness by parents of their rights and choices, largely brought about by a determined effort by the local authority, to ensure everyone knows how the admissions and appeals process works, and to get the best from this for their child.

Admissions Policy

14. Leicestershire's admissions policy was last consulted on during the 2013/14 academic year for entry in autumn 2015. This explains how we will operate within the confines of the law, the national admissions codes, and locally determined conditions.
15. A copy may be accessed via the following link;
http://www.leics.gov.uk/admissions_policy_2014_for_entry_sept_2015_final_version_06mar14-2.pdf
16. The policy sets out that Leicestershire operates school catchment areas, with the purpose of ensuring that every child has a designated school.
17. The policy also includes Leicestershire's agreed set of priority criteria that are used to rank applications when offering places. A copy of the priority criteria can be found at Appendix A.
18. The policy also seeks to clarify academy changes. It is of interest that the majority of academies in Leicestershire have adopted the local authority's policy, catchment-maps and priority criteria.
19. Some (approximately 20) academies have consulted to change their admissions arrangements and in some instances this has caused some confusion to parents, particularly where they have been unable to secure a place for their child. The changes made by some academies to their admission criteria include:
 - i) capping their admissions number i.e.so as to not overfill beyond their admission number at the normal round, and therefore not accepting children that may subsequently move into their catchment;
 - ii) giving siblings a higher ranking;
 - iii) introducing a new criterion of 'children of staff';

- iv) making changes to catchment areas.

Managing admissions - our approach

20. There are well established and effective practices in the local authority for the management of school admissions which include:
- i) Implementing robust ICT systems designed to support and encourage online applications.
 - ii) Producing an annual 'Your Guides to Education in Leicestershire' to advise parents of their choices and the things that should be taken into account when applying for a place.
 - iii) Support through the Customer Service Centre for general advice and the Admissions team for more detailed enquiries.
 - iv) The launch of a media campaign in the autumn to alert parents of key dates. This has included posters, articles in Leicestershire Matters as well as in other newspapers, and direct marketing to schools and the Diocese, as well as web related media.
 - v) As a further precaution 'reminder lists' to schools are circulated three weeks before the closing date and direct 'reminder letters' are subsequently sent where applications are known to be outstanding.
21. 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 it allows parents to know the offer on the national offer date. This is in contrast to Leicester City where prefer parents are notified later, and which can lead to confusion when City parents apply for a place in County schools (only the home authority can notify parents of decisions).
22. The key dates relating to the admissions process are as follows:
- | | |
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| <p>Secondary:
 Closing date 31 October
 LA exchange dates with other LAs late November
 Provisional allocation list January
 Final allocation list late February
 1st March national offer date</p> | <p>Primary:
 Closing date 15 January
 LA exchange dates with other LAs late February
 Provisional allocation list March
 Final allocation list late March
 16th April national offer date</p> |
|--|--|
23. 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.
24. Any applications received after the closing date will be accepted but considered only after those received by the closing date.

25. 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

26. The current number of compulsory school age pupils on roll in Leicestershire schools (including academies) is 86,266. This equates to 36,071 pupils in primary schools, 49,417 in secondary schools, 766 in special schools, and 12 in the PRU.
27. Each year the Admissions Service deals with approximately 7000 primary applications for first time admissions and over 10,000 secondary applications. In addition to these there are a further 6000 plus mid-term applications. A full breakdown of the number of applications is at Appendix B.

Admissions Performance

28. The following tables illustrates that Leicestershire performs well by comparison to other LA's.

Year	FTA – 1 st pref	Online Figs	Secondary – Transfer 1 st Pref	Online Figs
2014	89%	91.80%	96.20%	97.30%
2013	91.90%	83.50%	96.70%	97.10%
2012	91.80%	75.20%	98.40%	95.80%
2011	92.20%	58.60%	97%	57.90%
2010	92.90%	44.50%	94.60%	55.40%

29. In addition, of particular note are the levels of online take-up by parents when making either primary or secondary applications, where Leicestershire has seen year-on-year increase for the last four years. The impact of this to the authority has been a significant decrease in paper based systems and associated costs.
30. For 2014 there has been a slight dip in first preferences rates achieved for primary children, which is believed to be a consequence of parents becoming more aware of their choices and targeting popular and successful schools, a general rise in birth rates and increased housing.
31. Comparisons with Leicestershire's 'statistical neighbours' also shows that in general Leicestershire parents enjoy well above the average in England in terms of attaining their first preference school at secondary level.

Statistical Neighbours		Secondary – 1 st Pref%	Primary – 1 st Prefs%
823	Central Bedfordshire	95	94
835	Dorset	94	93
881	Essex	85	86.1
855	Leicestershire	96	89.6

850	Hampshire	95	90.1
802	North Somerset	91	86.8
803	South Gloucestershire	89	90.9
860	Staffordshire	95	92.4
937	Warwickshire	82	88.2
938	West Sussex	91	89.2
885	Worcestershire	91	90.4
970	England Average	85	87.7

32. Fair Access Protocol

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. The table below provides a statistical breakdown of Fair Access cases, and shows that there are a relatively low number of pupils where intervention under the protocol is required.

Type of School	Number of children admitted			Number of children refused admission		
	Schools for pupils up to age 11	Schools for pupils over age 11	All-through schools	Schools for pupils up to age 11	Schools for pupils over age 11	All-through schools
Community		1			1	
Academy		21	8		20	

The Appeals process

33. The purpose of this Admissions 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 further designed to give admission authorities the freedom they need to run the appeals process efficiently.
34. The responsibility for making arrangements for appeals against the refusal of a school place rests with the admission authority of the school. In Leicestershire all appeals for community and voluntary controlled schools are organised through the local authority. The majority of voluntary aided schools have their appeals organised via the diocese and academies can choose who they wish to conduct their appeals. However so far, all Leicestershire academies currently buy into the local authority's appeals service.
35. Appeals panels operate independently of the local authority. However it is the local authority that co-ordinates the appeal hearings, ensures that all appeal panel members are fully trained, and are independent and qualified to sit as panel members.
36. Appendix C attached provides an overview of the appeals process.

Appeals Performance

37. The table below provides data on appeals considered over the three year period 2012- 14:

Secondary	Number of applications	Lodged	Settled	Withdrawn	Appeals Heard	Appeals Upheld	Appeals Not Upheld
2014	11,152	217	57	10	150	36	114
2013	11,155	173	61	14	98	35	63
2012	12,224	121	37	8	76	54	22

Primary	Number of applications	Lodged	Settled	Withdrawn	Appeals Heard	Appeals Upheld	Appeals Not Upheld
2014	6,929	341	90	62	189	40	149
2013	6,852	326	99	48	179	52	127
2012	6,543	400	98	54	248	90	158

38. Of interest is the 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 age range change and schools capping their in-take.

39. In contrast the table illustrates the fall in primary school appeals over the last three years, however it should be noted that overall the number of schools receiving appeals has increased i.e. schools previously that have not had appeals have now done so.

40. In general, for both primary and secondary appeal outcomes over the last two years, fewer parents have been successful, this is also reflected in the national picture where on average 66% of appeals are in the LA's favour.

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 changes (both primary and secondary)
- move away (for academies) from the LAs admissions arrangements
- merge into multi-academy trusts

42. In addition to the above, there are also schools moving through academy sponsorship due to performance issues, and the emergence of new 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 are proactively ensuring there is detailed information on our website and

through our Customer Service Agents to enable parents to make informed decisions.

44. It is expected that the introduction of a revised home to school transport policy will also have a bearing on parental choices, although it is too early to say how profound this might be.
45. The other significant challenge is the large increase in the number of mid-term (in-year) applications received. For September 2014 the Admissions team received 853 applications across all age groups – this is most the service have ever received in a single month. The monthly trend for mid-term applications has remained consistent. However there has been a proportionate increase in the number of applications processed, when compared to the increase in the number of applications received generally. It is noticeable that mid-term applications peak in September immediately after schools have opened, and in May/June after appeals have been heard. The challenge is turning-around the workload. Appendix D attached provides further analysis of the mid-term applications received.

Key Areas for Action

46. In the light of the above challenges, there are three key areas for action to be addressed by the Admissions Service, they include:
 - Continuing to develop our strategic approach placing emphasis on the effectiveness of our planning of additional school places;
 - Strengthening our 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 associated link to the department transformation programme for Education, Learning and Skills).

Delivery of School Place Planning Strategy

47. The admissions and appeals arrangements are closely linked to the planning of school places which is intended to ensure that the local authority keeps abreast of future demand for school places.
48. The Children and Families Overview and Scrutiny Committee previously considered and made comment on an early draft of the strategy entitled 'In the right place - Strategy for the provision of school and other learning places in Leicestershire 2014/18', at their meeting of 24th March 2014 . The strategy outlines the eight key priorities for the provision of school and other educational places to be addressed by the local authority during the years 2014-18, this is the period covered by the basic need capital allocation for the local authority announced by the DfE at the beginning of this year.
49. The eight key priorities outlined in the draft Strategy include:
 - i. Providing the additional primary school places required and to give priority to this from the available capital budget;

- 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 our 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 i.e. 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 our assets and strengthen our relationship with Academies, to ensure all school buildings (irrespective of their designation and howsoever funded) are maintained fit for purpose.
50. Consultation on the draft strategy has taken place with a wide group of stakeholders from the beginning of September and ending on 17th October. The results of the consultation are now being assessed and will be presented to the Cabinet on 19th November. Although there have been relatively few responses received (35 at the time of preparing this report) in the context of widespread circulation, early analysis of the results confirms that the eight key priorities are appropriately targeted, and that there is strong support for these to be addressed. It is of interest that many respondents have also identified the need to remove the 10+ education system (which remains in four areas of Leicestershire) as a further key priority that should be addressed by the local authority – in effect this would require the retention of year 6 pupils in primary schools, and a change of age range to 11-16/19 in associated secondary schools.
51. A copy of the consultation document for the strategy may be accessed via the following link – www.leics.gov.uk/haveyoursay/schoolplaces
52. In identifying the requirement for additional primary places as a key priority for Council, the strategy makes reference to the Braunstone Town and Leicester Forest as an area where early action needs to be taken to address the emerging increased demand.
53. Having considered the available options it is believed that the best way to create more places would be to develop a new 210-place primary

school on land located off Holmfield Avenue, Leicester Forest East. , The school would be an academy, to comply with legal requirements set by the government. Our role would be to work with the Department for Education (DfE) to find the best organisation to run the new school by inviting organisations to put forward proposals. The final decision on which organisation would run the proposed school rests with the Secretary of State for Education.

54. Consultation on this proposal with schools, parents, pupils, the community and other stakeholders began on 14th October and is due to end on 11th November 2014, prior to reporting to Cabinet on 11th December to agree the way forward.
55. A copy of the consultation document has been circulated to all members of the County Council via a 'Members news in brief' item and is available also via the following link:

www.leics.gov.uk/haveyoursay/schoolproposal
56. There will be an opportunity for members of the Overview and Scrutiny Committee to make further comment on the proposals at this meeting

Risk Assessment

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

Conclusions and Next Steps

59. 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, but recognises that the education environment is now changing quite dramatically, and needs to keep pace with this through further improvements to our working practices.
60. The change underway has capacity to improve the choice and diversity in our schools, and coupled to our 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 local authority continues to provide a high quality service and the maximum degree of support for schools, parents, and our children and young people.

Background Papers

Report to Children and Family Services Overview and Scrutiny Committee 24 March 2014

'In the Right Place – Draft strategy for the planning of school and other educational places in Leicestershire 2014/18'

Circulation under the Local Alert Issues Procedure

61. None.

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List of Appendices

Appendix A: Priority criteria for entry autumn 2014 admissions and mid-term applications during 2014 / 2015 academic year

Appendix B: Breakdown of admission applications.

Appendix C: Overview of the appeals process

Appendix D: Statistical analysis for mid-term applications

Equality and Human Rights Implications

62. The underlying purpose of the admissions and appeals service is to ensure that the local authority meets our statutory obligations to ensure that all parents, children and young people are able to access good or outstanding schools, and are 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 prior to any proposals for change to ensure that individuals are not disadvantaged or discriminated against.

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