

School Admission Appeals

Background

1. Schools Forum will recall that the DfE have updated guidance around admissions appeals and that this poses a number of challenges including confirmation that funding for admissions appeals lies with schools; the subsequent introduction of charges and schools electing to accept pupils above PAN to avoid appeal costs.
2. In response to DfE Guidance Scheme for financing local authority-maintained schools, the Working Group and Schools Forum have previously discussed increasing the Central Schools Services Block or taking an allocation from the budget of maintained schools (dedicated schools block), to provide funding for admissions appeals. Schools Forum and the Working Group did not favour these options as they would affect all schools, including those that do not have appeals. Schools Forum indicated introducing charges to schools that have admission appeals, at a subsidised rate, would be preferable.

Update

3. Over the period July-September 2020 the Local Authority contacted schools to indicate it was likely to introduce charges for admission appeals for all maintained schools, in addition to academy, voluntary aided and foundation schools. Schools were provided details of the current charges applied to academies and were invited to complete a survey to indicate if they would be likely to buy into appeals services at a similar rate.
4. The following promotion of the survey and the latest DfE guidance was undertaken:
 - A notice on the Right Choice website 1 July
 - A notice on the Right Choice website 27 July
 - Notices in the Schools Newsletters
 - Information provided to WASSH network 2 September
 - Announcement at the Headteacher briefing on 10 September
 - Announcement at Governors briefing on 14 September
 - Notice to School Governors 18 September
5. 34 maintained schools responded to the survey, of these 25 schools indicated they would be interested in purchasing appeals support from the council.
6. Comments provided during the consultation included that schools felt it was a contradiction that the council (as the admissions authority for maintained

schools) could limit school places, however, also provide an appeals service. Government guidance however requires the admissions authority to make arrangements for appeals to be heard. An independent panel is used to ensure the appeal is independent from the admissions services.

7. Other feedback included that schools are not usually able to admit pupils where this is over the infant class size limit, and therefore the admissions authority has no option to reject an admission request and the school stands the costs of an appeal which would have a high chance of being dismissed. Whilst the council has great sympathy with the impact on schools in these instances, the process is a statutory responsibility.

Next Steps

8. Since the survey, the local authority has become aware of situations where schools would prefer to admit pupils over the Planned Admission Number (PAN) in order to avoid paying for appeals. This would lead to popular schools being over capacity whilst other local schools continued to have surplus places. Some schools also operate waiting lists. If a school wished to create additional places above PAN, those places should be offered to the highest priority applicant on the waiting list, not necessarily the family who have appealed.
9. When this report was considered by the Schools Forum Working Group on 30th November 2020, it was suggested that a Position Statement could be adopted and shared with schools. This Position Statement could set out the expectations of the LA and Schools Forum, in order to avoid the scenarios, set out in para 7. above. Schools could be reminded that once at PAN, applications should be refused unless there is no reasonable alternative. This would help to ensure that admissions policies are adhered to and that schools with available places have higher prospects of those places being filled.

Recommendation

10. To note the update and that the local authority is currently considering representations received following the consultation.
11. To invite feedback from Schools Forum on the issues raised as part of, or following the consultation, including finalising the suggested Position Statement at the January meeting.

30.11.20

Report Authors: Libby Johnstone / Clara Davies

Democratic Services / School Place Commissioning

Tel: 01225 718214 / 01225 713872

e-mail: libby.johnstone@wiltshire.gov.uk, clara.davies@wiltshire.gov.uk