

CHILDREN'S SERVICES SCRUTINY COMMITTEE
20 September 2006

ADMISSION APPEALS

Purpose of Report

1. This report indicates the level of admission appeals received and the outcomes of those heard. The report notes the trend in the number of appeals being lodged by parents and suggests reasons for the current level of appeals received. The report uses data collected regarding Community and Voluntary Controlled schools only (i.e. those schools for which the County Council is the Admissions Authority). Aided and Foundation Schools, being their own admission authorities, deal with appeals separately.

Background

2. The nature of appeals

- 2.1. The Local Authority tries hard to meet parental preference and is successful in over 97% of cases. However, on occasions parents do not obtain an offer for a preferred school and are unhappy with the alternative they are offered.
- 2.2. Appeals follow a refusal made by the admissions team and are most often from parents who live outside the designated area of the school. Such a refusal is made only when a "reasonable alternative" school is available. A reasonable alternative is considered to be a school within a safe walking distance of the home address (the distance is two miles for an under eight and three miles for an over eight year old) or for which school transport is provided.
- 2.3. In making a decision about whether to offer a place to an applicant or not, a number of factors have to be taken into consideration such as the planned admission number, the class organisation, the accommodation available, the number of children on roll as well as the number of children in a particular year group. Headteachers are involved in the consideration of applications but the final decision is taken by the school admissions team.
- 2.4. Parents have a right of appeal against all decisions made by the admissions team so a parent can appeal two or three times if all preferred schools are refused. The right of appeal is maintained if any future application is made for the same school (though such applications can be considered only if there has been a change of circumstances at the school or in the applicant's circumstances).
- 2.5. Most appeals are for the intake years of schools (i.e. those children starting a new school in September) but the figures given cover all appeals made across all school years.
- 2.6. Many appeals do not reach the hearing stage as they are either withdrawn by parents because they have found an alternative school for their child, or are settled if a place becomes available after the appeal is lodged.
- 2.7. There is a Code of Practice for School Admissions Appeals. The administration of admission appeals is carried out by the Democratic and Members Services section of Corporate and Library Services Department. A written appeal case is sent to parents in advance of their hearing. Appeals are heard before an independent panel consisting of three members drawn from a list of trained persons. The LEA case is presented by an officer from the School Admissions Team. Headteachers often attend appeals to give specific input about the organisational aspects of their school. The LA has to show that there would be a prejudice to the provision of efficient education or use of

resources. In most appeals the parent(s) attend the hearing though a small number are held without a verbal input from the appellant(s).

- 2.8. If the appeal panel find that the LA has demonstrated its case that the school is full they will consider the parents' reasons for wanting that school and will undertake a balancing process. Appeals are allowed if either the LA has not proved the school in question is full (Stage 1) or the parents reasons outweigh the LA case (Stage 2).
- 2.9. An appeal's panel decision that a child should be admitted to a school is binding on the LA. Parents who believe the panel acted improperly or unreasonably can make a complaint to the Local Government Ombudsman, but the decision cannot be overturned. Only the courts can overturn an appeal panel decision where the parents or the LA are successful in applying for a Judicial Review of that decision.

3. Trend

- 3.1. Following a peak in year 2003/04, fewer appeals have been received for the last three academic years. The number of admission appeals received for the last six academic years can be seen from the following statistics:-

	Received	Heard	Allowed	Refused	Settled	Withdrawn
2000/01	81	42	24	18	28	11
2001/02	141	64	32	32	63	14
2002/03	151	76	56	20	57	18
2003/04	220	119	68	51	78	23
2004/05	160	67	33	34	76	15
2005/06	188	80	50	30	100	8
2006/7	85	45	21	24	35	5

- 3.2. It should be noted that the above figures are not entirely comparable since this report has been written during the academic year 2006/7 and the figures for this year will rise above the reported levels before July 2007. The previous six years are all complete academic years.
- 3.3. Fewer appeals have been lodged in 2006/7 (85) compared to the same period in 2005/6 (124).
- 3.4. Appeals are settled if a place becomes available prior to an appeal hearing. Once an appeal is allowed the child enters the preferred school and if necessary can become an exception to the Infant Class Size limit of 30.

4. Results

- 4.1. The figures above show that only about 50% of appeals lodged by parents result in a hearing before an independent appeal panel. The figures show the results of those that have reached the hearing stage when the result is binding on both the LA and the parents.

	Received	Heard	Allowed	%	Refused	%
2000/01	81	42	24	57%	18	43%
2001/02	141	64	32	50%	32	50%
2002/03	151	76	56	74%	20	26%
2003/04	220	119	68	57%	51	43%
2004/05	160	67	33	49%	34	51%
2005/06	188	80	50	62%	30	38%
2006/7	85	45	21	47%	24	53%

- 4.2. Over a half of all appeals received are for the reception intake at primary and infant schools. This has been a consistent theme over the reporting period. The above table shows that there is little pattern to the likelihood of an appeal being successful and this reflects the fact that each appeal is a separate hearing and that appeal panel decisions are difficult to predict.
- 4.3. The next table looks in more detail at those successful appeals and shows whether they were allowed at Stage 1 (i.e. that the authority did not show the school was oversubscribed) or at Stage 2 (i.e. when, despite the fact that there would be prejudice to existing pupils, the parents' case was on balance stronger than the authority's case).

	Allowed	Stage 1	%	Stage 2	%
2002/03	56	30	54%	26	46%
2003/04	68	22	32%	46	68%
2004/05	33	10	30%	23	70%
2005/06	50	4	8%	46	92%
2006/07	21	0	0%	21	100%

- 4.4. If an appeal is allowed at Stage 1 the Local Authority has failed to show the school is oversubscribed. As can be seen from this table there is a trend for the number of appeals successful at Stage 1 to fall. The presentation of the authority's cases is continually being reviewed and it is clear that the majority of cases are proved by the authority but in the opinion of the independent appeal panel members on balance the appellants have a stronger case. To date in 2006/7 no appeal has been allowed at Stage 1.

Main considerations

5. Infant Class Size (ICS) Appeals

- 5.1. Legislation limits the size of Key Stage 1 classes to a maximum of 30. Parents often exercise their right of appeal though occasionally do not appreciate the limited grounds on which they can base their appeal. In such appeals it must be shown by the parents that either the refusal was not one which a reasonable authority would have made or a place would have been offered if the admission arrangements had been applied correctly.
- 5.2. Corsham Primary, The Mead and Christchurch have classes of thirty in their Key Stage 1 classes but there have been appeals at all these schools for Sept 2006 intakes.
- 5.3. In 2006/7 all Infant Class Size appeals have been dismissed.

6. New Schools

- 6.1. In previous years the effect of new schools was more marked and there were particular issues with admissions to Fynamore in Calne. As the new schools become more established the number of in-area admissions is increasing and the number of appeals for these schools is declining. There have been appeals at Greentrees in Salisbury and Nursteed in Devizes. The designated area for The Mead in Trowbridge contains some service quarters which can give rise to late applications being received and this school continues to have more appeals than any other.
- 6.2. Advice from the DfES has confirmed that places cannot be reserved at any school in anticipation of future applications and there are no plans to alter the law to allow this. The effect of this is to lead to places being offered to out of area children which inevitably causes anguish to parents who move into the new housing after places have been allocated.

- 6.3. The situation is being closely monitored and the opening of new schools where possible is being delayed until there are a reasonable number of new houses built. By limiting the admission number for the first few years of opening it is hoped the number of out of area applicants can be controlled. This situation exists in Amesbury where Archer Primary has opened with a published admission number of 15. Appeals which would have taken the intake to all years above this number have been dismissed.

7. Co-ordinated Admission Arrangements

- 7.1. Co-ordinated admission arrangements for secondary schools, introduced for 2005/6 entries, now mean that each applicant receives one offer for one school. There is no evidence to suggest that having co-ordinated arrangements has had any impact on the number of appeals lodged for secondary schools.
- 7.2. The main reason for appeals at secondary schools has been that applicants have missed the deadline for normal applications. In these circumstances places have been offered before any late application has been considered and this has meant there have been appeals for Abbeyfield in Chippenham, Clarendon in Trowbridge, Wootton Bassett and Stonehenge in Amesbury. Many of these appeals have been settled before they have come to the hearing stage. Steps are in hand to increase the publicity surrounding the deadline dates for admissions for the 2007 intake.
- 7.3. From 2006/07 admissions to all schools have been co-ordinated. Again there has been no noticeable difference in the number of appeals received for primary schools as a result of co-ordination.

8. Parental Preference

- 8.1. Parents have a right to express a preference for any school. This is not the same as the right to choose a particular school and the Code of Practice on School Admissions is clear that parents cannot always have their preferences met especially when they are applying for a popular school. Very often when expressing a preference parents are looking at a school which is not the one designated for their home address and this gives rise to many out of area appeals.
- 8.2. Out of area appeals have been received for Lydiard Millicent (primary) and Wootton Bassett (secondary) from residents of the Swindon Borough Council area. Redland in Chippenham, Wansdyke in Devizes and Preshute near Marlborough have also received many out of area applications and refusals have resulted in appeals to these schools.
- 8.3. Even when parents have been offered their first preference school they can still appeal against the decision not to offer them a lower preference. This situation has resulted in three appeals this year. It has also been responsible for a number of appeals in the Salisbury area where applicants have named a Hampshire school as their first preference but have appealed against the decision not to offer the Wiltshire school they have indicated as being their second preference.

9. Waiting Lists

- 9.1. We have been told by many parents that the reason they appeal is to keep their application open for longer. If a place becomes available when an appeal is lodged it would be offered to the appellant who had the highest priority for a place and not to any other applicants who had been refused.
- 9.2. We reviewed our procedures so that we have reintroduced waiting lists for the September 2006 intakes as stated in the determined admission arrangements for voluntary controlled and community schools.
- 9.3. In any situation when a refusal is made that applicant will automatically be placed on a waiting list. If a place becomes available at the school it will go to the applicant at the top of the list. There is no indication that having used a waiting list system has led to a reduction in the number of appeals received for our primary schools this year.

- 9.4. Any waiting list has to be kept in an order determined by the admission criteria and not by date order of receipt. This means that an applicant's position can change and it is not a straightforward queue for places.
- 9.5. Having a waiting list system has taken away the need for applicants to lodge a daily application in the hope of securing the next available place at a school – a practice which has been criticised by the Local Government Ombudsman.

Financial Implications

10. The cost of servicing the admission appeal hearings is borne under a Service Level Agreement between DCE and Corporate and Library Services.

Options considered

11. Under the Code of Practice on School Admissions and under the terms of the 1998 School Standards and Framework Act, parents have the right of appeal against any decision made by an admission authority. There is no option but to hear appeals as they are received.

Conclusion

12. The level of appeals would seem to have hit a peak in 2003/04. There is no concern that the number of appeals received can be attributed to any change in the implementation of the LA's admission arrangements as determined by the elected members. Indeed the number of appeals heard by this authority is lower than in many other neighbouring authorities. Taking special factors mentioned above into account the actual number of appeals for 2005/06 was not significantly higher than for previous years. The number of appeals received for 2006/07 is less compared to the same stage of the previous academic year.

BOB WOLFSON
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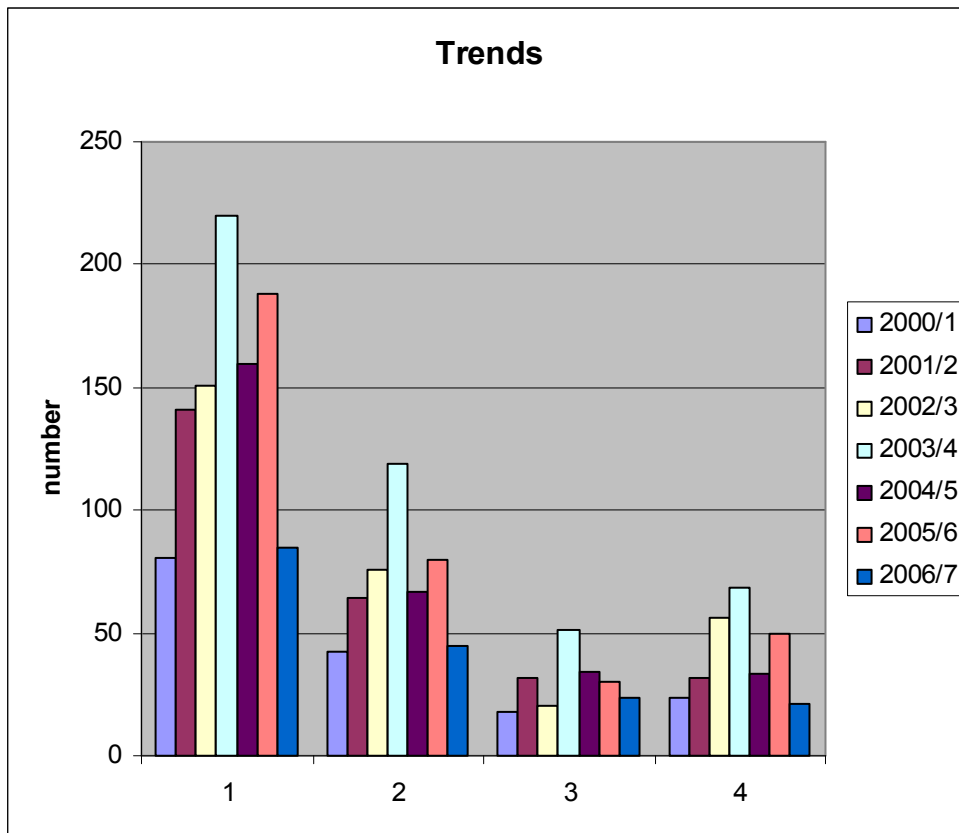
Report Author -Bryan Cash Education Officer (Admissions), School Buildings and Places

Unpublished documents relied upon in the production of this Report: None

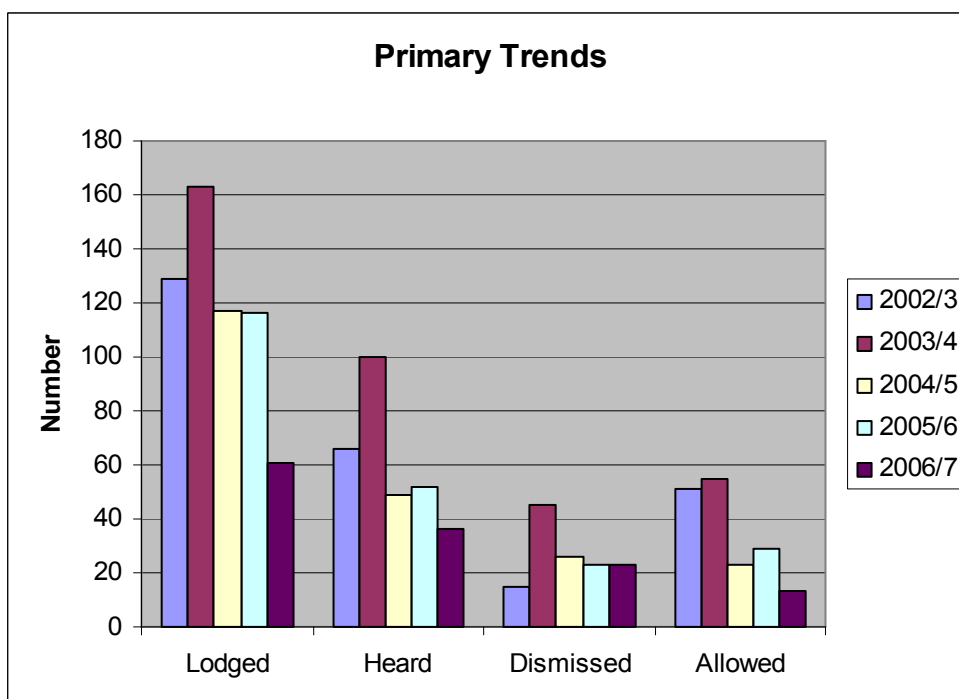
Environmental impact of the recommendations contained in this Report: None

APPENDIX A - Trends

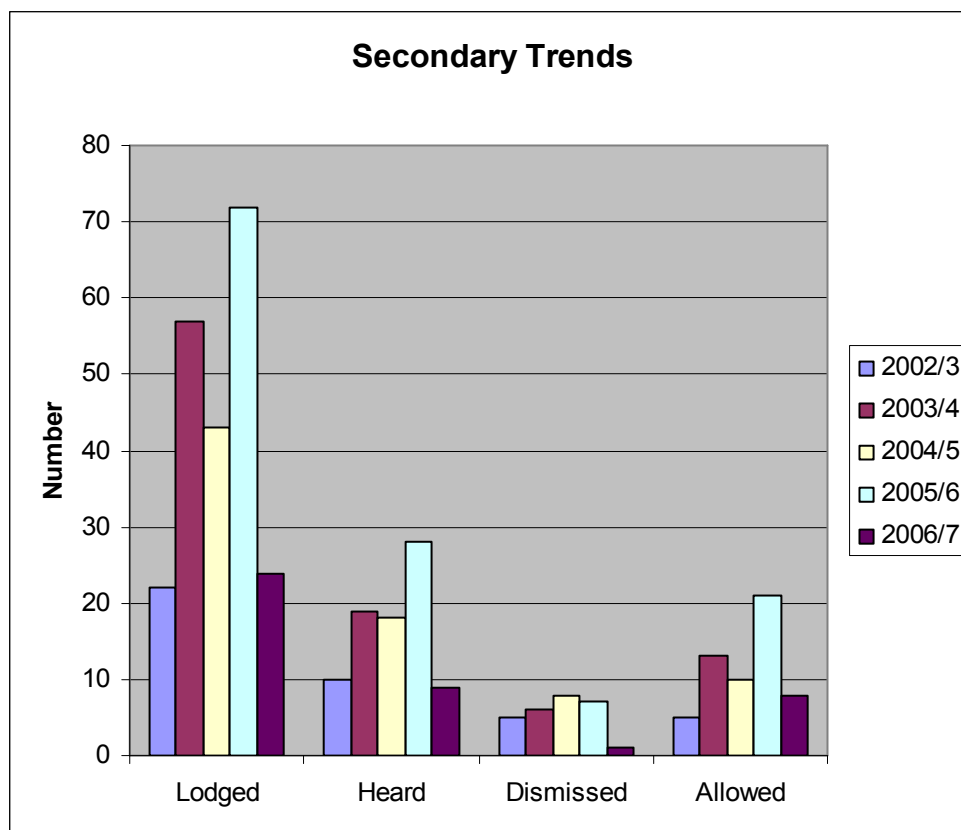
A.1. Chart showing trends in admission appeals since 2000/01.



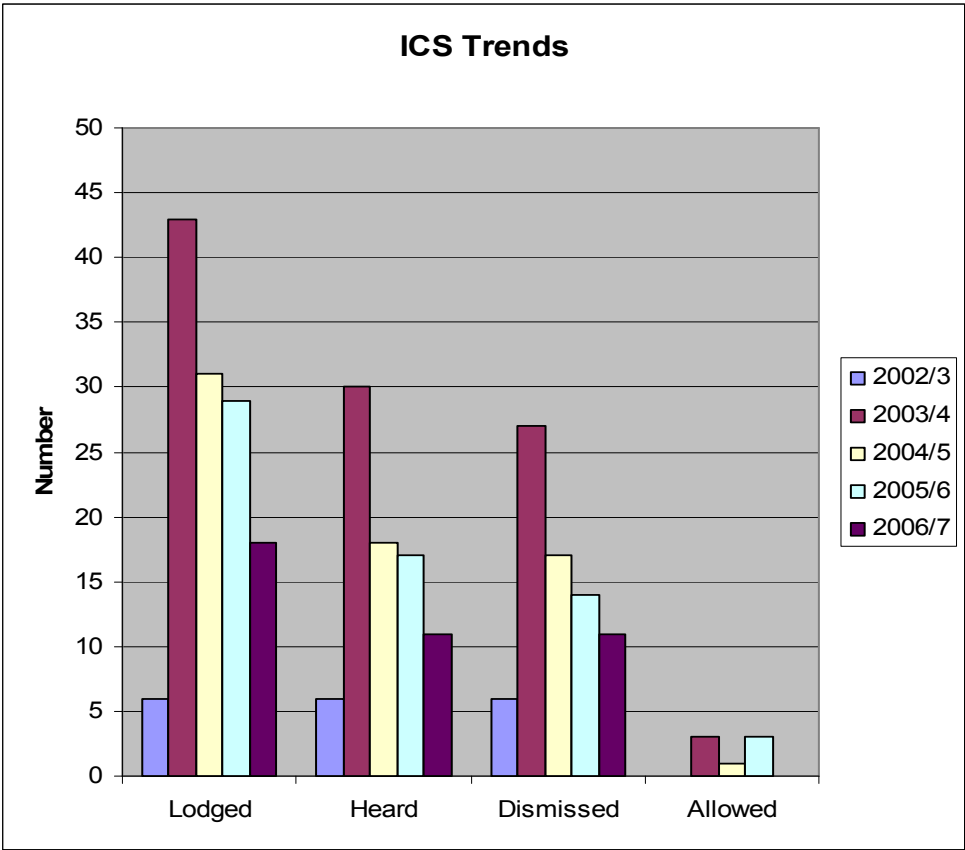
A.2. Chart showing trend in appeals for primary schools since 2002/03



A.3. Chart showing trend in appeals for secondary schools since 2002/03

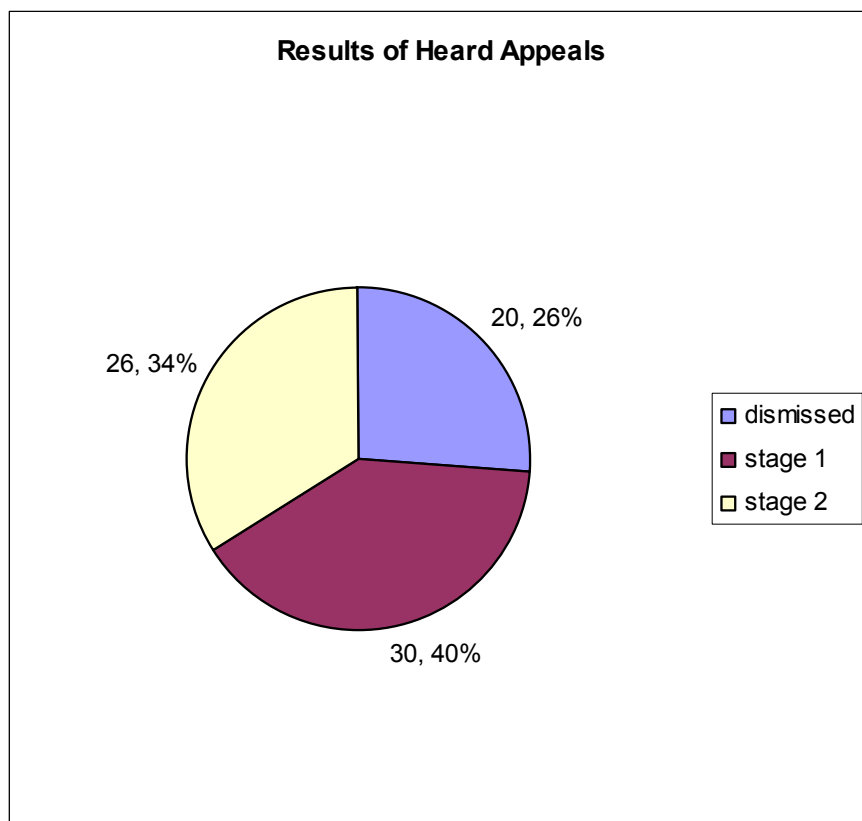


A.4. Chart showing trend in Infant Class Size Appeals since 2002/03

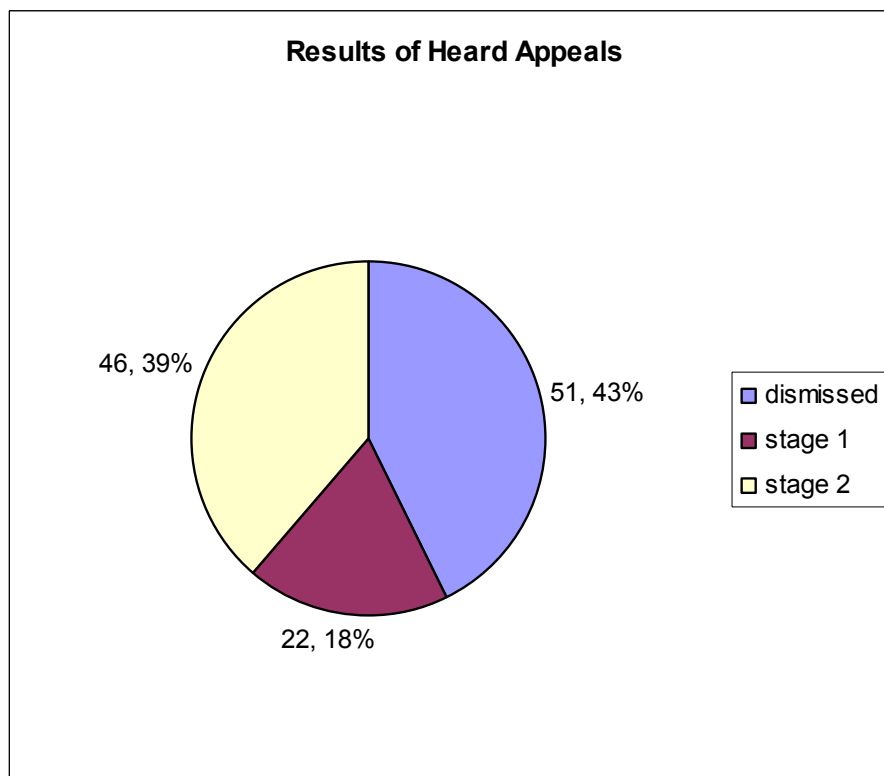


APPENDIX B – Results

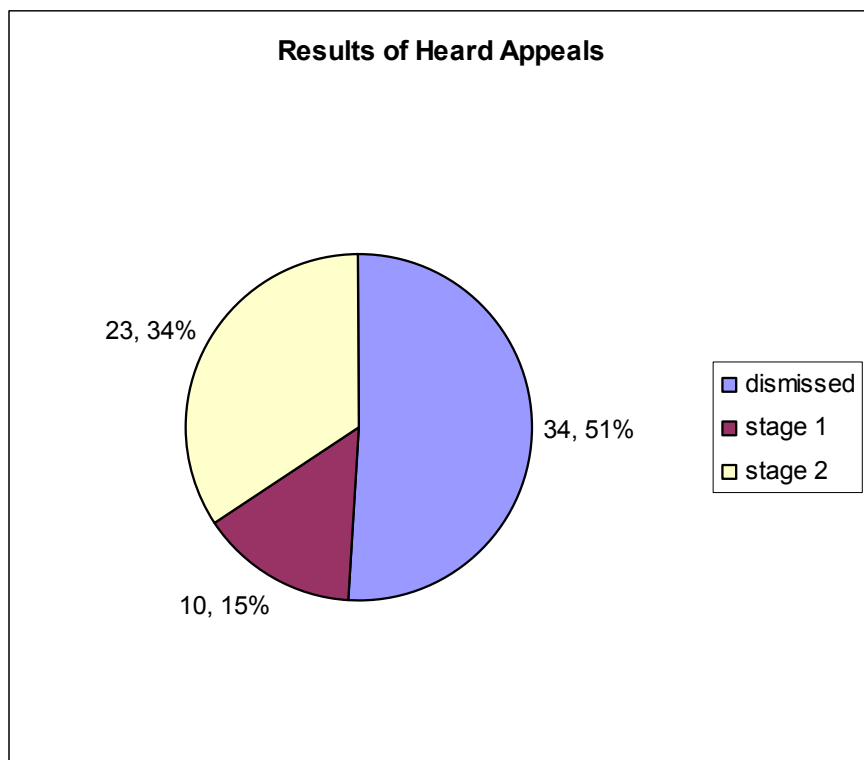
B.1. Chart showing results of heard appeals 2002/03



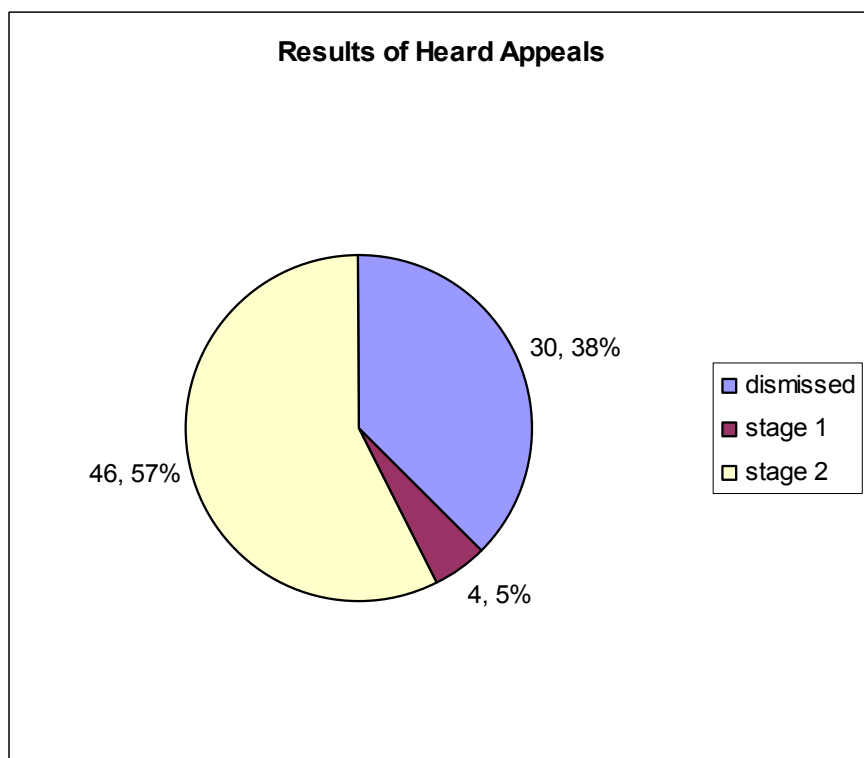
B.2. Chart showing results of heard appeals 2003/04



B.3. Chart showing results of heard appeals 2004/05



B.4. Chart showing results of heard appeals 2005/06



B.5. Chart showing results of heard appeals **2006/7**

