

## **DRAFT SCHOOL ADMISSIONS APPEALS CODE CONSULTATION**

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### **1. Purpose of the Report**

To inform the Admissions Forum on the relevant issues within the draft school admissions appeals code received from the Department for Education and Skills (DfES).

### **2. Background**

The deadline for response to the draft code is 1<sup>st</sup> December.

The DfES suggest that the new code is implemented from February 2007, although we will respond suggesting that this is deferred until September 2007, in order to allow clear and consistent communications with parents, (particularly with regards to primary reception appeals).

As with the draft admissions code the wording 'must' / 'must not' is used for mandatory requirements, with 'should' / 'should not' being used for best practice suggestions.

The DfES are suggesting use of 'working days' instead of 'school days' throughout the code, although this will be challenged through our formal response to the draft.

The key issues for admitting authorities within the draft code are outlined below:

#### **Presenting officers**

Para 1.28 - The Local Authority (LA) representative must be prepared to answer detailed questions about the case being heard and the school including its admission arrangements.  
New consultants will require appropriate training and briefing.

Para 1.29 - Only one representative of the admission authority should act as presenting officer. LA can decide to be accompanied by a

representative of the school to assist by answering questions. However, lack of school rep **must not** be a reason to delay arranging a hearing

### **Notifying parents**

Para 2.4 - When a child is refused entry to a school, parents must receive the following information in writing from the admission authority:

- a) full details of why the application was unsuccessful in light of the published admissions criteria including, where relevant, **whether the refusal was a consequence of the infant class size limit;**
- b) notification of their right to appeal including details of how, and to whom, to make an appeal
- c) where to obtain further information and
- d) their right to attend the appeal hearing

Para 2.5 - Letter must not comment on the likelihood of success, however, reference can be made to the % of appeals upheld nationally in previous years.

### **Informing parents of the hearing**

Para 2.10 - When informing them of the date (10 working days notice), the admission authority must:

- a) make clear whether any earlier correspondence between the parent and the school will automatically be included in the panel's papers, or only those documents which the parents have submitted specifically for the appeal hearing.
- b) notify them of the grounds under which the appeal is to be considered eg outlining the limited scope under which an infant class appeal may be upheld. If this is not clear parents must be advised to prepare for both.

Para 2.11 - 3 working days before hearing LA must supply:

- a) all the information reasonably asked of it by parents, and
- b) notification of whether any witnesses have been invited to give evidence at the hearing. (FOI implications)

### **Attendance (representation)**

Para 2.14 - The parents friend or adviser **must not** be a member of the Council, a member of the admission authority concerned, or a local politician, as this may lead to a conflict of interest and place under pressure on the panel.

We will brief members on this and advise how they can support constituents in other ways (eg written submissions).

## Witnesses

Para 2.16 - Members of the local authority must not attend appeal hearings as witnesses. Confirmation as to who 'members' refers to is being sought (eg Headteachers, schoolteachers, councillors, CSF staff etc)

## Production of evidence from the admission authority prior to the hearing

The following changes would mean a large increase of information for parents and extra administration in sourcing, copying and distributing the appropriate paperwork.

Para 2.18 – LA must provide at least 5 working days before hearing (unless parents have waived their rights)

- a) statement summarising how the admission arrangements for the school apply to the parent's application, accompanied by any relevant background information and documents on which they placed substantial reliance eg application form or references from religious ministers.
- b) Statement summarising the reasons for the decision, explaining how admission of an additional child would cause prejudice to the provision of efficient education or use of resources (should be year specific), making it clear whether or not the admission authority is defending its decision on the basis of infant class size legislation. **The statement should include a map of the school and summary of the net capacity. Any statement referring to accommodation, class sizes, capacity etc should be supported by factual information, as panel members cannot be required to undergo tours of schools to make their own assessments.**
- c) **The relevant extract of a published co-ordinated scheme where this has been applied and in case of a VA or foundation school a statement from the local authority explaining how the scheme was applied.**
- d) **Details of how any locally agreed protocol operates on admitting hard to place children where relevant and,**
- e) Copies of any information or documents that will be supplied to the panel at the hearing including any documents that have been submitted by parents.

## **Venue for the appeal**

### Para 2.22 –

- a) have a suitable waiting room for parents to wait separately from the panel and presenting officer
  - b) have a suitable waiting room for the presenting officer to wait separately from the panel and parents in between appeals.
- The response is that this may be too costly to manage, although the principles of this should be adhered to.  
Panel members should be reminded not to advise parents to approach officers after the appeals as this could delay later hearings.

## **Notification of the decision**

Para 2.32 - Decisions should ideally be sent within 5 working days of hearing for in-year and if upheld should give **start date**.

## **3 Recommendation**

- a) That the Admission Forum note this report.