



ADJUDICATION & REVIEW SUB-COMMITTEE

REPORT

22 May 2012

Subject Heading:

SCHOOL APPEALS – SUMMARY OF
ACTIVITY, 2010/11

CMT Lead:

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Policy context:

The Sub-Committee has oversight of the
school admissions and exclusion appeals
processes

Financial summary:

There are no specific financial implications

**The subject matter of this report deals with the following Council
Objectives**

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

The Sub-Committee is responsible for ensuring that the Council meets its obligations with regard to the hearing of appeals by parents against the refusal of admission of their children to schools of their preference, and against the decisions of governing bodies to confirm the permanent exclusion of pupils.

This report reviews the working of the processes in the school year 2010/11.

RECOMMENDATIONS

That the Sub-Committee note the contents of the report.

REPORT DETAIL

Outline

- 1 Parents have a statutory right to express a preference as the school at which their child is to be educated. It should be noted that this is not a right to choose; although there is an obligation to comply with the preference if space is available at the school, the Admission Authority is entitled to refuse to comply if no places are available in the Year in question.
- 2 Such a refusal triggers the right for the parent to appeal to an Independent Appeals Panel (“Panel”). In Havering, Democratic Services provides the Education Appeals Secretariat, which is used by all but one of the schools in the borough (albeit in the cases of the Abbs Cross and Sacred Heart Schools, as a back up to their own Appeals processes; the only school not using the Council’s service is the Drapers’ Academy).
- 3 Parents whose children are permanently excluded from school also have a right to appeal against the exclusion decision.
- 4 Panels for admission appeals consist of three members – an “experienced” person (usually a school governor), a “lay” person (i.e. someone who has no active connection within any school) and a chairman, who may come from either category. Panels for exclusion appeals also consist of three members, though the composition is somewhat different – a school governor, a Headteacher and a chairman who is a “lay” person.
- 5 Both types of appeal are processed in accordance with Codes and guidance issued by the Secretary of State.
- 6 The nature of appeals for admission to Reception classes and to Year 7 on secondary transfer, means that some cannot be heard before the start of the school year and it is sometimes not possible to deal with them all until almost the Christmas holiday begins.

Admission appeals

- 7 There are two categories of appeal:
 - “casual” appeals for admission in-year to any school Year (including sixth form for schools that have one); and

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- Appeals for first admission, to Reception Year, to Year 7 on transfer to secondary school, or to sixth form.
- 8 Casual appeals are dealt with at all times of the year, while first admission appeals are dealt with in the period between the Easter and Summer holiday breaks.
- 9 The Appendix gives statistics relating to the number of appeals dealt with during the school year 2010/11.

Exclusion appeals

- 10 There are very few appeals against permanent exclusion from school; in 2010/11, there were three appeals, none of which was successful.

Provision of Appeals Service

- 11 The Council is obliged to ensure that an Appeals Service is available for admissions to, and exclusions from, Community Schools (i.e. those directly maintained by the Council) and is able to provide the same service to Voluntary Aided and Foundation Schools (mainly those of a religious background) and Academies (now all but one of the borough's secondary schools). Democratic Services has a service level agreement with all schools and a contract with every Academy (other than the Drapers' Academy).
- 12 It should be noted that, in the school year 2010/11, there were no Academies in the Borough and so all costs were borne directly by the Council.

IMPLICATIONS AND RISKS

Financial implications and risks:

Since the financial year 2011/12, the costs of providing the appeals services for schools directly maintained by the Council and Voluntary Aided and Foundation Schools have been met from the Direct Schools Grant. The costs of providing the service to Academies under contract are met by fees charged to the Academies for the services rendered.

In the financial year 2010/11, there were no Academies and the cost of the service was borne entirely by the Council.

Legal implications and risks:

There are none directly associated with this report. Parents who disagree with the outcome of an appeal may exercise their right to challenge it through either the Local Government Ombudsman or by Judicial Review.

Human Resources implications and risks:

There are none associated with this report.

Equalities implications and risks:

There are none associated with this report.

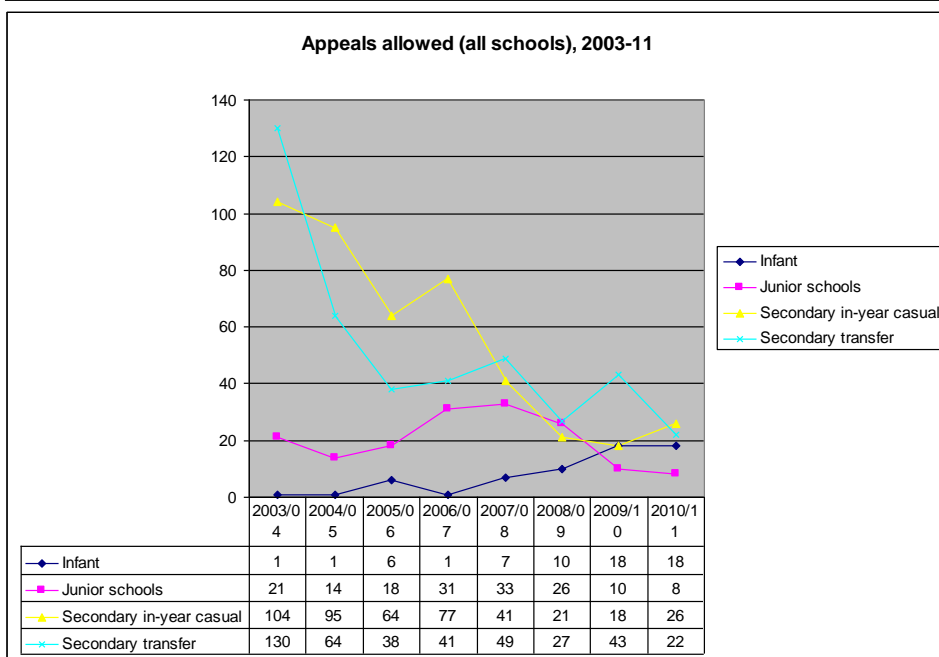
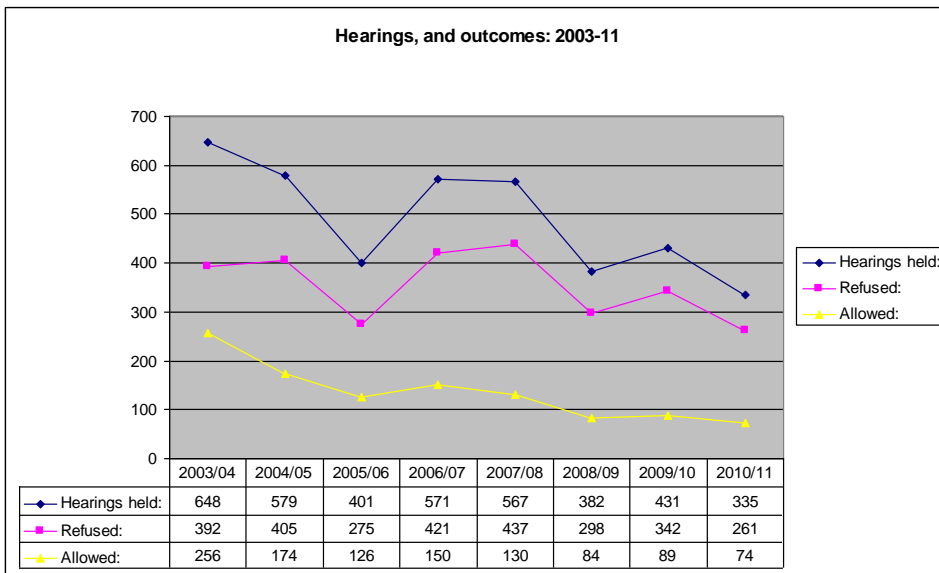
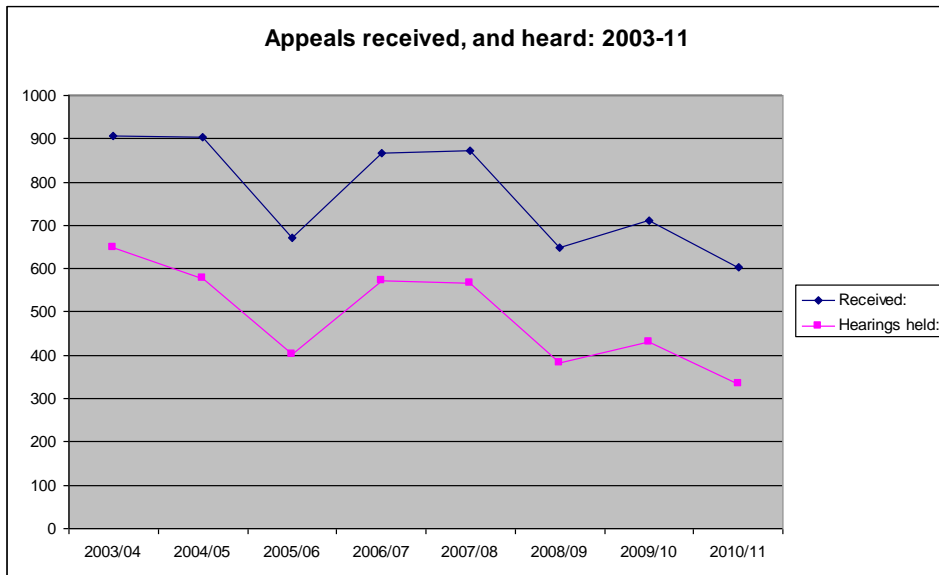
BACKGROUND PAPERS

None

Admission Appeal Statistics, 2010/11

<u>Primary</u>	Community Schools	Voluntary Aided and Foundation Schools	Combined totals
Infant classes			
Received:	221	38	259
Withdrawn:	109	7	116
Refused:	103	22	125
Allowed:	9	9	18
<i>Success rates (percentages)</i>			
Of appeals received	4.07%	23.68%	6.95%
Of appeals heard	8.04%	29.03%	12.59%
Junior classes			
Received:	59	21	80
Withdrawn:	25	8	33
Refused:	29	10	39
Allowed:	5	3	8
<i>Success rates (percentages)</i>			
Of appeals received	8.47%	14.29%	10.00%
Of appeals heard	14.71%	23.08%	17.02%
<u>Secondary</u>			
Casual (in-year) admissions			
Received:	52	54	106
Withdrawn:	22	20	42
Refused:	20	18	38
Allowed:	10	16	26
<i>Success rates (percentages)</i>			
Of appeals received	19.23%	29.63%	24.53%
Of appeals heard	33.33%	47.06%	40.63%
Secondary transfer admissions (for following school year)			
Received:	84	74	158
Withdrawn:	58	19	77
Refused:	20	39	59
Allowed:	6	16	22
Of appeals received	7.14%	21.62%	13.92%
Of appeals heard	23.08%	29.09%	27.16%

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