
Report of: Lead Officer Admissions and FIS

Agenda item

Report to Schools Forum

Date: 29 June 2020

Subject: School Admission Appeals



1. Summary of main issues

- i. Schools have raised concern about the burden of providing a presenting officer to represent the school's case at school admissions appeals, a requirement in place for all schools since the launch of the new school admissions appeals service in September 2019.
- ii. Covid-19 has introduced further pressures relating to school admissions appeals due to the delay in commencing Reception appeals. To ensure the vast majority of Reception appeals are heard before the start of the academic year, appeals will need to be scheduled and heard over the summer holidays.
- iii. The Local Authority is the admitting authority and decision maker for Community and Voluntary Controlled schools. All other schools are admitting authorities in their own right.
- iv. Schools asked the LA to review the existing arrangements for appeals.

1. Background information

- 1.1 Local Authorities receive funding via the Central Schools Services block (CSSB) of the Dedicated Schools Grant (DSG) to undertake the functions pertaining to Admissions and School Appeals
- 1.2 The DfE funding regulations for the DSG are updated annually, while the School Admissions Code and the School Appeals Code have not been updated since 2014 and 2012 respectively. The three sets of regulations no longer align.
- 1.3 The School Admissions and Appeals regulations state that the admitting authority for the school is required to fulfil the appeals functions. The Local Authority is required to make funding available to all maintained schools to ensure they are able to meet their responsibilities relating to appeals.
- 1.4 The DSG conditions and terms of grant now stipulates that Schools such as voluntary aided schools, foundation schools and academies, cannot be charged for services that are provided free of charge to community and voluntary controlled schools, and paid for out of the centrally held DSG.
- 1.5 Since 2019, in order to comply with the revised DSG Terms of grant, Leeds City Council has provided a free at the point of delivery service to all schools, regardless of status, to arrange

appeal hearings, including the provision of trained clerks, panel members, rooms and correspondence with parents. The cost is met by the DSG allocation to the Family Information Service, where the appeals service is managed.

- 1.6 All schools, regardless of status, have been required to provide a 'presenting officer' to put forward to the appeal panel the statement of case describing why the admission was refused.
- 1.7 Schools, in particular Community and Voluntary Controlled, have fed back their concerns that this is very time consuming, in particular for primary schools, and have challenged whether the school is responsible for this as the LA is the admitting authority and makes the decision about admission with no input from the school.
- 1.8 There is particular concern about the burden on schools during the busy block appeal season May – July when the majority of appeals to be heard over the year are held.

2. Summer block period

- 2.1 Due to social distancing requirements, appeal hearings over the summer block period are being conducted virtually via Skype for business. The first part of hearings are being considered by panels using written submissions from schools and appellants.
- 2.2 The written approach to the first stage of hearings means that presenting officers are not required to present their statement during the hearing, being required instead to respond to questions during the second part of the hearing only.
- 2.3 The requirement for all schools to provide their statement of case to the appeal hearing still applies.
- 2.4 Under the School Admissions Appeals (Coronavirus) Regulations 2020, the deadlines for hearing appeals have been relaxed. Despite this, the Local Authority aims to still hear all lodged appeals before the start of the academic year in September, to ensure parental rights to an appeal are upheld, and to provide clarity for schools and parents about where children are expected to attend.
- 2.5 To achieve the aim of hearing all appeals before September, due to the impact of Covid-19 and the amendments to the hearing processes, hearings will need to be scheduled to take place over the summer holidays.
- 2.6 The Local Authority recognises the difficulties this could cause for schools and commits to providing the presenting officer for any appeal to be heard during the summer holidays. Schools will need to ensure that all relevant information to allow the LA presenting officer to present the appeal on the school's behalf is made available before the end of the term. All schools have been contacted to ask for their updated statement of case to be provided.

2.7 The presenting officer resource will be identified through existing Admissions Team staff, and council staff available for redeployment due to Covid-19. They will be trained by the LA Appeals team.

3. Appeals from September 2020 onwards

- 3.1 All schools hold the responsibility for admissions outside the normal admissions round ('in-year') – those that are own admitting authorities automatically hold this duty, and the responsibility is delegated to Community and VC schools by the LA for in-year.
- 3.2 From September 2020, the LA will appoint an officer to act as presenting officers for admission appeals. This post will be entirely funded by traded income and will receive no contribution from DSG.
- 3.3 The service will be available as a traded offer for all schools, at a cost of £100 per appeal hearing.
- 3.4 The traded offer will be limited due to the availability of these presenting officer, however this would be reviewed and where necessary, permission to recruit further would be sought where demand indicates it is financially viable and necessary.
- 3.5 The Local Authority will make available a Presenting Officer (PO) for Community and VC schools during the summer block period from 2021 onwards. This will not be funded through DSG. Where any capacity remains, own admitting authority schools will be able to request that the LA PO presents their appeals on a traded basis.

Recommendations

Members of Schools forum are asked to:

- 1. Note the requirement for all schools to continue to contribute and support the appeals process by providing input to the statement of case and responding to questions from the presenting officer acting on your behalf, as well as the panel members and appellants.
- 2. Comment on the proposal to appoint an officer to provide a traded offer to all schools who would like the LA to provide the presenting officer for their appeal outside the normal admissions round (in-year).