

Frequently Asked Questions arising from the Schools Adjudicator's decision of 31 January 2017 (version updated 6 March 2017)

	Question	Answer
1	What did the Schools Adjudicator decide?	The decision related to the Council's change to the oversubscription criteria of community and voluntary schools to remove the priority given to pupils living out of catchment who had a sibling connection. In broad terms, the Adjudicator ruled that the change in the criteria was unfair on the grounds that more people were disadvantaged by the change than if no change had taken place and that there was no clear or evidenced based reason for the change.
2	Who does the Adjudicator's decision affect?	The Adjudicator's decision affects the Council's school admission arrangements for community and voluntary controlled schools from the 2018/19 academic year onwards. The decision also has an impact on those parents applying for places in 2017/18 as it will affect the waiting lists for oversubscribed schools. It is also proposed to offer affected parents (see Q3 below) who have already appealed for school places for 2016/17 a second appeal for the relevant schools where a sibling link exists.
3	When are the arrangements changing?	The admission arrangements for 2018/19 were agreed by the Council on 20 February 2017. They reinstate the previous priority given to pupils living out of catchment who have a sibling connection. The waiting list arrangements for 2017-2018 will also reinstate this priority and will operate from 4 May 2017.
4	Does this mean that all siblings will now get a place at their preferred school?	There can never be any guarantee that siblings will be placed in the same school.
2016/17 Academic Year		
5	My application for 2016/17 has already been decided and I was unsuccessful at appeal. Can I now just have the place I wanted?	The Adjudicator's decision does not direct the Council to take any action for the 2016/17 admission arrangements. Normally there is no second right of appeal for the same school in the same academic year. However, due to these exceptional circumstances, the Children's and Young People's Committee has agreed that a second appeal be offered to those parents who can evidence a sibling connection at the relevant school. This avoids the need for affected parents to make a second application, which will help to speed up the overall process. It should be noted that there is no guarantee that a place will be allocated at a second appeal.
6	How do I request a second appeal?	The Education Appeals team will write out to all those affected parents. If you have not been contacted by 28 th February 2017 and you feel that your appeal does fall into this category please contact us on education.appeals@nottscc.gov.uk or tel: 0300 5008080.
7	If I want a second appeal, how will the process work?	In your second appeal the Panel will look at any updated information presented by both parties, including the issues raised by the Adjudicator's decision. The overall format of the hearings will be largely the same as for your first appeal, with an initial joint multiple hearing stage held, with all appellants invited, for those schools where more than two appellants are involved.
8	What type of information about the school will be included in the paperwork?	The local authority's case will include the following information about the school: assessed net capacity; published admission number (PAN); class numbers and organisation, staffing and any other information required to establish how the admission of an additional child would cause prejudice to the provision of efficient education or efficient use of resources.

9	<p>If the Panel decides that the admission arrangements do not meet the requirements of the Admissions Code will all the appeals for that school be allowed?</p>	<p>There is no guarantee that a second appeal will be successful. There are various stages to the Panels' decision-making with regard to the admission arrangements in such circumstances. In broad terms, the Panel has to decide:</p> <ul style="list-style-type: none"> a) Were the admission arrangements lawful and compliant with the Admissions Code? b) If not, did any of the appellants miss out on a place for their child at the school as a result? c) Can the school cope with the number of children who have been affected? If yes, then all of the affected appeals would be allowed. If not, the Panel needs to decide which, if any, of the appeals to allow. <p>Further details about the specific decision-making processes, including the issue of prejudice can be found on pages 15-16 of the School Admission Appeals Code (pages 20 and 21 for infant class size prejudice cases). https://www.gov.uk/government/publications/school-admissions-appeals-code</p>
10	<p>I did not originally appeal for the 2016/17 academic year but would like to now in light of the Adjudicator's decision. Is it too late to appeal now?</p>	<p>No it is not too late - any parents who believe they were affected by the oversubscription criteria change who did not appeal initially will retain their existing right to appeal within the 2016/17 academic year, as per normal circumstances. http://www.nottinghamshire.gov.uk/schoolappeals</p>
11	<p>I didn't mention a sibling when I applied because I knew it wouldn't count. Can I now make a new application providing this information?</p>	<p>If you have already had an appeal and you mentioned a sibling link, you will be offered a second appeal and so this can be addressed through the appeal. If you have not appealed, you should let the admissions team know (Tel: 0300 500 80 80) about the sibling in order that your information can be updated. As indicated above, your right to appeal remains within the 2016/17 school year, as per normal circumstances.</p>
12	<p>Has the local authority given consideration to whether the independent panel from my first appeal will be reconvened for the second appeal, or whether there will be a fresh panel?</p>	<p>In line with paragraph 5.2 of the School Admission Appeals Code, the second appeal will be made up of different members from the first.</p>
13	<p>Can the Council help me with the legal grounds that have to be satisfied in order that this second appeal can be successful?</p>	<p>Further to Question 9 above, please find further detail about the process to be followed by the independent appeals panel:-</p> <ul style="list-style-type: none"> 1. The decision-making for an infant class-size case is as detailed in pages 20-21 of the Admissions Appeals Code https://www.gov.uk/government/publications/school-admissions-appeals-code and the process to be followed to undertake that decision-making can be summarised as follows:- <ul style="list-style-type: none"> a) In these appeals, as well as considering whether the infant class size limit would be breached and whether the decision to refuse admission was reasonable, Panels need to consider whether the

admission arrangements are lawful and comply with the School Admissions Code and whether they were correctly and impartially applied.

- b) If the Panel feels that the admission arrangements are not lawful or compliant then they need to be satisfied that the child/ren in question missed out on a place as a result of that issue.
- c) If the appeal hearing is a multiple appeal with more than one appellant, a Panel then needs to consider the individual circumstances of each appellant to clarify whether the child in question has missed out on a place as a result of the problem with the admission arrangements. This clarification will be gained through individual hearings.
- d) During these individual hearings, the Panel will also explore the appellant's case, with regard to the possible grounds for allowing an infant class size appeal.
- e) If the Panel feels that serious prejudice would be caused by admitting all the children who have missed out on a place as a result of the issue with the admission arrangements, then the Panel in its decision-making needs to compare each appellant's case for their child to be admitted before deciding which of them, if any, to uphold.

2. The decision-making for '**normal prejudice**' cases (i.e. those that do not relate to infant class size limits) is detailed in pages 15-16 of the Admissions Appeals Code <https://www.gov.uk/government/publications/school-admissions-appeals-code> and the process to be followed to undertake that decision-making can be summarised as follows:-

- a) In these appeals, as well as considering the overall issue of prejudice to the school of admitting further children, Panels need to consider whether the arrangements are lawful and comply with the School Admissions Code and whether they were correctly and impartially applied.
- b) If a Panel feels that the admission arrangements are not lawful or compliant then they need to be satisfied that the child/ren in question missed out on a place as a result of that issue.
- c) If the appeal hearing is a multiple appeal with more than one appellant, a Panel will need to consider the individual circumstances of each appellant to clarify whether the child in question has missed out on a place as a result of the problem with the admission arrangements. This clarification will be gained through individual hearings.
- d) During these individual hearings, the Panel will also explore the appellant's reasons for wanting that school.

		<p>e) Following those individual hearings, the Panel then needs to consider whether the school can admit all those children affected by the admission arrangements issue. If the Panel feels that all of the children affected can be admitted without serious prejudice to efficient education or use of resources then those appeals would be allowed on the grounds of the admission arrangements not meeting the requirements of the Code.</p> <p>f) If the Panel feels that serious prejudice would be caused then the Panel in its decision-making needs to balance the prejudice to the school against the appellant's reasons for wanting the school.</p> <p>g) If the Panel feels that there are more cases that outweigh the prejudice to the school than the school can admit, the Panel then needs to compare the various cases and allow those with the strongest cases for admission.</p> <p>N.B. If the Panel finds that a child has not missed out on a place as a result of an issue with the admission arrangements, the Panel will still need to consider the issue of prejudice, balancing the prejudice to the school against the appellant's reasons for wanting the school.</p> <p>It should be noted that if it is not possible to group all of the re-hearings together for one school due to appellants' availability, all of the re-hearings will be heard by the one Panel and the final decisions will only be made once all of the re-hearings for that school have been heard. This may mean there is a potential delay before you receive the outcome of your re-hearing.</p>
14	My child has no sibling at the school. Are you now going to take away my child's place and give it to one of these children?	No. There are limited reasons an admission authority can take away a place. For example, where it is discovered that the place was offered in error or the application was fraudulent.
15	Is there a risk that my child's school will now get overfilled?	Appeals panels must consider the possible effect of admitting further children to a school. Classes and schools getting overfilled is something they will consider.
16	My child is an only child. Does this mean he/she will now be disadvantaged?	There are no changes being made to the admission arrangements for 2016-2017 and so your child will not be directly affected. If some parents whose children have siblings at the school have second appeals, panels will consider all of the implications carefully and so their decisions should not disadvantage any children.
17	How will my child's place on the waiting list be affected?	There will be no changes to the waiting lists for 2016-2017.
18	I applied for an out of catchment school for my first child for 16/17 and want my child's sibling to start there in 18/19. Will the out of	The admission arrangements for 2018/19 were decided by the Children and Young People's Committee on 20 February 2017. These arrangements reinstate the previous priority given to children living out of catchment who have a sibling connection.

	catchment area sibling criterion be back in place by then?	
2017/18 Academic Year		
19	I have already applied for a school place in 2017/18. How does the Adjudicator's decision affect that?	In the decision, the Adjudicator clearly stated that, due to the timing of the applications process, it would be unfair to implement any change to admission criteria for the 2017-2018 normal admission round. This is because places have already been applied for based on the existing oversubscription criteria which do not include a criterion for pupils living out of catchment who had a sibling connection
20	If I am unsuccessful in obtaining a place at my preferred schools, how will the Adjudicator's decision affect that?	The waiting lists for oversubscribed schools, effective from 4 th May 2017 onwards, will operate in accordance with the revised oversubscription criteria which will give priority for pupils living out of catchment who have a sibling connection. The waiting list applies to all on-time unsuccessful applications, late applications and changes to preferences.
21	Does the Adjudicator's decision affect my right to an appeal?	No – every parent is entitled to an appeal for a school for which they have unsuccessfully applied. The appeals are heard by independent appeals panels. The panels will consider the implications of the Adjudicator's decision as part of its decision-making.
22	I've applied for a place in 2017-2018, and my child has a sibling in my preferred out of catchment school. Does this mean they now have a better chance of being allocated a place there on offer day?	Nothing has changed for the main admission round, and the outcome of your application will be sent on 18 April 2017. Once the waiting list is in operation, after 4 May 2017, your child may have a higher priority than previously was the case but this will depend on all of the circumstances of the children on the waiting list.
23	I've applied for a place in 2017 -2018, and my child does <u>not</u> have a sibling in my preferred out of catchment school. Does this mean they now have a worse chance of getting a place there?	Nothing has changed for the main admission round of which you will be notified on 18 April 2017. Once the waiting list is in operation, after 4 May 2017, your child may have a lower priority than previously was the case but this will depend on all of the circumstances of the children on the waiting list.
24	I have applied for an out of catchment school for my first child for 17/18 and want my child's sibling to start there in 18/19? Will the out of catchment school sibling criterion be back in place by then?	The admission arrangements for 2018/19 were decided by the Children and Young People's Committee on 20 February 2017. The proposed arrangements reinstate the previous priority given to pupils living out of catchment who have a sibling connection.

25	I applied for my catchment area school but was allocated an 'alternative offer'. How will this affect my application for my child's siblings?	The arrangements for 2018/19 reinstate the previous priority given to children living out of catchment who have a sibling connection. This means that from 2018-2019 your other children will have a higher priority for a place than was the case before this adjudication.
2018/19 Academic Year		
26	I will be applying for a school place for the 2018/19 academic year. How does the Adjudicator's decision affect that?	The admission arrangements for 2018/19 have been approved by the Children and Young People's Committee on 20 February 2017. The arrangements reinstate the previous priority given to pupils living out of catchment who have a sibling connection.
27	I have a child who will be starting in 18/19. We live out of catchment. Will s/he get a place at my preferred school?	There are no guarantees for any child, whether living in or out of a school's catchment area. The number of places allocated under any criterion depends on the number of applicants qualifying for the available places but the total does not normally exceed the school's Published Admission Number (PAN).
General Questions		
28	How many applicants get a place at their first preference school?	Approximately 92% of people received a place at their first preference school in 2016/17.