

# School Admissions In-Year Waiting List and Appeals Leaflet.

**I HAVE BEEN REFUSED A PLACE AT THE SCHOOL OF MY PREFERENCE**

**WHAT CAN I DO NEXT?**

Document Details:

Status: 0.1

Date: 10 February 2021

Document Location: [http://www.worcestershire.gov.uk/info/20099/school\\_admissions](http://www.worcestershire.gov.uk/info/20099/school_admissions)

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## Introduction

**This document is a guide for parents, who have not been allocated a place at their preferred school(s).**

In Worcestershire a Co-ordinated Admissions Scheme has been approved for any in-year applications for school places for parents wishing their child to move to another school. This includes co-ordination with Academies, Community, Foundation, Free, Voluntary Controlled, Voluntary Aided Schools and Academies within Worcestershire.

Details of the Worcestershire Scheme are given in the [School Admissions Booklet and Guides | Worcestershire County Council](#) book and the scheme can be viewed at [Co-ordinated Schemes for all Worcestershire Schools | Worcestershire County Council](#)

In April 2020 the Department for Education (DfE) passed emergency regulations that introduced flexibility in the way that school admission appeals are held, given current social distancing measures and other restrictions in place. The regulations allow for appeals to take place remotely via telephone or video links or solely on written representations. The regulations also revised the deadlines by which appeals should be heard, hearings should take place as soon as is reasonably practical.

These regulations were extended on 30 September 2021, to remain in force until 30 September 2022. The regulations will continue to apply to appeals lodged on or before 30 September 2022. Any appeals lodged on or after the 1 October 2022 or lodged prior to that date, but not concluded, will be subject to previous legal requirements, that being 30 school days for an in-year application and 40 school days for normal point of entry.

You can read the full text here: (opens in new window) [Gov.uk School Admissions Appeals Amendment 2021](#)

## School Place Offered to your child

You may have been offered a place at a school in the email/ letter you have receive from Worcestershire LA. In most cases, this will be one of your stated preferences (the higher taking precedence). Where it has not been possible to offer a place at one of your preferred schools, if applicable your child could remain at their current school, you may have been offered an alternative, notified where there are vacancies available elsewhere, or your child may have been referred for action under the [Fair Access Protocol](#).

## Why have I been refused a place at my preferred school?

Your application has been processed in accordance with the policy and oversubscription criteria of the school (see the Worcestershire Information for Parents book for Community and Voluntary Controlled Schools, or the School Prospectus/website in the case of Academies, Free, Voluntary Aided and Foundation Schools).

If you have **not** been offered one of your preferred schools **outside** Worcestershire, then you should refer to the Information book/website of the relevant LA, or the School Prospectus/website, whichever is relevant for details of the oversubscription criteria.

In general terms, your application is likely to have been refused on one of the following grounds;

- a) the total number of applications for the school exceeded the number of places available, and the application was not high enough on the oversubscription criteria to be granted one of the available

places at the school, and admitting further pupils would prejudice the provision of efficient education or the efficient use of resources. This could be for a number of reasons, for including:-

- The physical constraints of the class or school means that additional children cannot be accommodated.
  - The teaching organisation is such that admitting any additional pupils would detract from the provision of efficient education.
  - The children who are already in the school may include a number of children with Special Educational Needs or those identified as Vulnerable Learners which could mean that the school's available resources do not allow for the admission of additional children.
- b) The Governing Body do not wish to admit a child with challenging behaviour in year, even though there are places available. This will only be appropriate where the school already has a disproportionate number of children with challenging behaviour or previously excluded children.

The Code on Admissions sets out that “behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupil's education or jeopardise the right of staff and pupils to a safe and orderly environment.”

However, the Code on Admissions also states, “a child with challenging behaviour may also be disabled as defined in the Equality Act 2010. When considering refusing admission on these grounds, admission authorities must consider their duties under that Act. Admission authorities should also consider the effect of the decision of the [C & C v The Governing Body of a School, The Secretary of State for Education \(First Interested Party\) and The National Autistic Society \(Second Interested Party\) \(SEN\): \[2018\] UKUT 269 \(AAC\) : \[2019\] AACR 10 - GOV.UK \(www.gov.uk\)](#) about the implications of the Equality Act 2010 when a pupil exhibits a tendency to physical abuse of other persons as a consequence of a disability.”

For the purpose of this document Children with challenging behaviour should meet the definition provided by the Code and in Worcestershire, are defined as follows:

- Those who have engaged in serious criminal behaviour resulting in a conviction or a police caution within the two years preceding the request for a school place;
- Children, admitted to the school who have received a permanent exclusion within the last 2 years;
- Children whose behaviour has resulted in a number of fixed term exclusions within the previous 12 months (or other evidenced in-house alternative intervention in line with the [Graduated Response \(opens in a new window\)](#)) from which it is clear that the child is at serious risk of permanent exclusion.
- In order for a child to be classed as challenging in Worcestershire there must be evidence that the advice of a range of professionals has been sought, in order to support the child. The advice from professionals must have been put in place and despite this, challenging behaviour has continued.

Schools are more likely to have a significantly higher proportion of “children with challenging behaviour or previously permanently excluded children” if the school's socio-economic data in the English Indices of Deprivation indicates a higher level of deprivation than most other schools in the FAAP. The Weighting Grid circulated by the LA, to all FAAPs will identify the schools in that FAAP that have a significant level of children with challenging behaviour, taking into account the definition of challenging behaviour specified above and the English Indices of Deprivation. If this is not the case for a school, a refusal on this basis will not be accepted and the school will be required to admit the child.

## What can I do next?

**FOR WORCESTERSHIRE SCHOOLS**, you may then wish to consider the following action/s:

## Waiting Lists

If your application for your preferred school is unsuccessful because admitting further pupils would prejudice the provision of efficient education or the efficient use of resources, you can go onto a waiting list. **You should be aware that a school waiting list is an active document. As parents request for their children to be included on the list the position of an individual child already on the list can change. A waiting list does not give priority based simply on the date an application was added to the list, priority is based on the oversubscription policy of the school.**

**Waiting lists for Academy, Foundation, Free and Voluntary Aided Schools**, are maintained by the individual schools and parents will need to contact the school directly, to establish the waiting list procedure in place at those schools. Not all schools may have a waiting list for in-year applications, but it is good practice, so the majority do. Given the current circumstances nationally, please look for this information on the schools websites. Schools priorities are to provide childcare for vulnerable children and those that are children of key workers. They may not be available to deal with requests for waiting lists at this stage. Please be patient and they will deal with your requests as soon as they are able. Please be assured that no vacancies will be reallocated until such time that all requests for the waiting list have been processed.

**Waiting lists for Community and Voluntary Controlled Schools**, are maintained by the School Admissions Section, and parents need to apply, in order to be included. These waiting lists will be maintained until the end of each term. Parents will need to reapply at the start of each term if they wish to be included on the list for that term. **Only on receipt of an acknowledgement letter from School Admissions will that child be on the list. Please email your waiting list requests to [schooladmissions@worcschildrenfirst.org.uk](mailto:schooladmissions@worcschildrenfirst.org.uk)**

**Important Information:-**

**School Admissions will contact you directly IF they are able to offer a place to your child from any waiting list. Other admission authority schools will notify School Admissions if they wish an offer to be made on their behalf from their waiting lists.**

## Appeals General Information

**The Department for Education has passed emergency regulations that introduce flexibility in the way that appeals are held, given the current social distancing measures in place. They have also amended some of the deadlines surrounding the timescales. Please see below the information in relation to appeals and how to appeal for different types of schools.**

You may lodge an appeal for any school that you have been refused a place. An appeal must be lodged in writing and must include the grounds upon which the appeal is made. Please note, your appeal cannot be acknowledged unless the grounds for your appeal are provided.

In the case of a Community or Voluntary Controlled Schools it should be sent to the School Admissions office. There is no deadline set by which you have to lodge an in-year appeal. We would however request that you notify us of your decision to appeal within 20 days of the date of your letter.

**THE PROCESS FOR LODGING YOUR APPEAL DEPENDS UPON THE TYPE OF SCHOOL YOU ARE APPEALING FOR. PLEASE READ THE DETAILS BELOW VERY CAREFULLY.**

**If you wish to appeal for an Academy, Free, Voluntary Aided or Foundation School, then the appeal must be lodged and sent direct to the Governing Body of the school, within the timescale published by the school on their website. If the individual school does not have this information on their website, please ensure you lodge your appeal within 20 days of the date of your letter.**

## Appeals for Community and Voluntary Controlled Schools

The appeal statement you provide **MUST** be documented and include the full grounds upon which the appeal is being made. The appeal should be submitted within 20 days of the date of your letter and must be sent to this office via email to [schooladmissions@worcschildrenfirst.org.uk](mailto:schooladmissions@worcschildrenfirst.org.uk)

Your child's name is **automatically** entered onto the waiting list, where an appeal is made for a Community and Voluntary Controlled School.

**It is vitally important that parents document the full reasons why they wish to appeal against the decision, including reasons why they require a place at a particular school and their personal circumstances.** The appeal panels need to understand fully, your personal reasons as **it will not be possible to meet the panel and discuss this in person.** Therefore it is really important that you document everything you wish them to consider. All of the information in relation to the individual cases will be provided to all parties, including the panel, parent and presenting officer from the Local Authority in advance of the hearing date. The Clerk to the panel will contact parents directly to discuss the arrangements for hearing appeals.

You will be provided with 14 calendar days notice of when your appeal will take place. Please be aware that the regulations came into force on 24 April 2020 and will continue to apply to appeals that are already underway but which have not yet concluded on or before 30 September 2021. Appeals will be scheduled as soon as it is reasonable to do so.

## Appeals for Academy, Free and Voluntary Aided Schools

If you wish to appeal for an Academy, Free, Foundation or Voluntary Aided School, then the appeal must be documented, including your full case and sent directly to the Governing Body of the school, within the timescale published by the school on their website or 20 days of the date of your letter where the website does not have this detail.

Please be assured that the Clerks to those panels will communicate with you directly in relation to your appeals for those schools.

## Vacancies in other schools

You can contact the School Admissions Team and make enquiries to see if there are any vacancies in any other Worcestershire schools.

The School Admissions Team can also provide you with guidance in relation to the Fair Access Protocol if this applies to your child.

School Admissions Appeal Leaflet for 2021/22

If you wish to go onto a waiting list, appeal or check vacancies in any schools outside Worcestershire, you will need to look at the information on the relevant Local Authority website and follow their own procedures.

**If you have any further enquiries, please contact the named officer in the letter you have received.**

**Or Email: [schooladmissions@worcschildrenfirst.org.uk](mailto:schooladmissions@worcschildrenfirst.org.uk)**