

Meeting:	Harrow Admissions Forum
Date:	1 December 2008
Subject:	High School Admissions Issue
Key Decision: (Executive-side only)	Yes
Responsible Officer:	Heather Clements, Director Schools and Children's Development
Portfolio Holder:	Cllr Anjana Patel, Schools and Children's Development
Exempt:	No
Enclosures:	

### **Section 1: Summary**

## **Section 1 – Summary and Recommendations**

### ***Recommendations:***

To make a decision as to the appropriate resolution to the issue of non-admission to school.

***Reason:*** To meet the statutory requirement to consult before determining admission arrangements.

# SECTION 2 - REPORT

## INTRODUCTION

### Background

In April 2008, a pupil was referred to the Rapid Intervention Team (RIT) as she was at risk of permanent exclusion. The school felt it was in her best interest to foster new relationships and to have a fresh start away from friends who were a bad influence

The outcome of the RIT meeting was that a managed move to a fresh school was agreed and the pupil started at the new school. The school offered was not the parent's choice and her parent asked for her name to be added to the waiting list for another school.

In October 2008, a vacancy arose in the appropriate year group at the parents preferred school. At that stage the student was first on the waiting list, so a letter offering a place was sent.

The school arranged an admission interview and both parent and student attended. Later that day the Education Welfare Service received a telephone call from the parent advising that although the student had been offered a place she had been told by the headteacher that the school would be unable to accept her daughter as she had previously had a managed move from another school.

The Manager of the Admissions Service spoke with the parent to identify why she was seeking a further move for the student. The response was that the student had not settled into the new school and that it was too far for her to travel to every day. A Transition Support Officer was asked to work with the student and parent to support them at this time. There have also been a number of conversations with the school but the case has reached an impasse.

In the circumstances legal advice was sought and their response is as follows. As the child has not been excluded twice, nor are any of the circumstances met in Para 3.13 of the School Admissions Code of Practice relating to refusal to admit a child with challenging behaviour; paragraph 3.1 applies which states that the Admissions Authority **must** comply with parental preference. The headteacher needs to explain her reasons for refusal and her reliance on the managed move argument is not lawful as far as the Code applies.

The Code is explicitly clear that failure to act in accordance with the provisions of the Code (particularly those that are mandatory) is a breach of that authority's statutory duty to act in accordance with the provisions of the Code. The Code applies to Admissions Authorities (i.e the Local Authority in this case) and the Governing Body of the School in question; therefore the failure to comply with the provisions of the Code is causing the Local Authority and the Governing Body of the school to breach its duty to comply.

In terms of resolution there are a number of possibilities that could be considered, such as

Discussions with the Headteacher. A number of discussions and a letter from the Director of Schools and Children's Development have not achieved a resolution.

Discussions with the Chair of the Governing Body to remind them of their duty to comply with the Code. A letter has been sent to the Chair of Governors.

Use of the school complaints procedure.

Use of the internal complaints procedure.

Referral to the Admissions Forum

Referral to the Schools Adjudicator as a last resort.

The Admissions Forum is set up to ensure compliance with the Code. In the event that the matter remains at an impasse, the Admissions Forum and the Local Authority (as the Admission Authority) can refer the matter to the Schools Adjudicator where there has been a failure to comply with the mandatory provisions of the Code. The Legal adviser's view is that although the admission arrangements themselves are not contrary to the Code, it is the practice being adopted by the school that is contrary and under Para 4.11 of the Code, the Admissions Forum can refer an objection to the Schools Adjudicator where they identify a "practice" that may be unfair or unlawful.

The parent is refusing to send the student to the previous school as she feels she should be attending the school for which she is holding an offer from the local authority, which is the admissions authority for the school. In the circumstances, it was felt that the views of the Admission Forum should be sought on this breach of the Code of Practice in view of the authority's responsibility under the Code and a recommended way forward to resolve the matter.

## **CONSULTATION**

Not applicable.

## **Financial Implications**

There are no financial implications arising from this report.

## **Performance Issues**

There are no performance issues arising from this report.

## **Section 3 - Statutory Officer Clearance**

Name: John Stansfield	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 25/11/08		

Name: Rosemarie Martin



on behalf of the\*  
Monitoring Officer

Date: 25.11.08

## **Section 4 - Contact Details and Background Papers**

Contact: Madeleine Hitchens, Manager Place Planning & Admissions – 020 8424 1398 [madeleine.hitchens@harrow.gov.uk](mailto:madeleine.hitchens@harrow.gov.uk)

Background Papers: N/A: