

# SHEFFIELD CITY COUNCIL

## Admissions Committee

### Meeting held 21 January 2015

**PRESENT:** Councillors Chris Rosling-Josephs (Chair), Pauline Andrews, Olivia Blake and Andrew Sangar

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Sioned-Mair Richards and Ian Saunders.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 6(b), 7 and 8 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information described in paragraphs 1, 2 and 3 of Schedule 12A to the Local Government Act 1972, as amended.

#### **3. DECLARATIONS OF INTEREST**

3.1 Councillor Andrew Sangar declared personal interests in Case Nos. 21 and 31 in agenda item 9 (School Admission Requests – Secondary School Places), as he was familiar with the pupils' families, and did not take part in the consideration of the requests.

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 17<sup>th</sup> December, 2014, were approved as a correct record.

#### **5. ACTION TAKEN UNDER DELEGATED POWERS**

5.1 The Committee noted that, since its last meeting, no decisions had been made by the Executive Director, Children, Young People and Families, in consultation with the Chair of the Committee, under powers delegated to her with regard to home to school transport or school admissions.

#### **6. HOME TO SCHOOL TRANSPORT APPEALS**

##### **6.1 Revised Procedure**

6.1.1 The Interim Director of Legal and Governance reported on proposed revised arrangements with regard to the consideration of appeals against administrative decisions made by the Executive Director, Children, Young People and Families, to refuse to grant home to school travel bus passes, following further guidance issued by the

Department for Education in July 2014.

- 6.1.2 Paul Robinson, Head of Democratic Services, referred to a complaint made by the parent of a child, to the Local Government Ombudsman, following a decision of the Committee, at its meeting held on 18<sup>th</sup> September, 2014, to not uphold the appeal against the decision to refuse to grant a home to school travel bus pass. He stated that, following the investigation, the Local Government Ombudsman had found maladministration on the part of the Local Authority in that due process regarding the appeal had not been followed, specifically that the parent had not been afforded the opportunity to make verbal representations in support of her appeal. The Local Government Ombudsman also determined that there had been insufficient detail in the decision letter sent to the parent following the decision made by the Committee, and had therefore not been able to establish whether the Committee had given sufficient consideration to the appeal.
- 6.1.3 Nadine Wynter, Legal Service Manager, referred to recent changes introduced by the Department for Education, relating to the management of appeals against decisions to refuse to grant home to school travel bus passes, indicating that in July 2014, a further change had resulted in local authorities being required to offer parents whose requests had been refused, the right to make verbal representations as part of their appeal against the decision.
- 6.1.4 Paul Robinson stated that, as well as parents being offered the right to make verbal representations, there would also be a requirement for the decision letters to be improved, and it was suggested that officers provide a checklist to assist Members to consider all aspects of the appeals, and to enable officers to draft more detailed decision letters. Mr Robinson referred to the case which had been considered by the Local Government Ombudsman, indicating that, following the determination, there was a requirement on the Local Authority to reconsider the appeal, and that arrangements would have to be made for the appeal to be considered by Members who had not taken part in the original appeal. Mr Robinson also circulated a proposed hearing procedure for dealing with verbal representations at future meetings of the Committee.
- 6.1.5 RESOLVED: That the Committee:-
- (a) notes the information now reported, together with the requirement to give further consideration to how future meetings should be arranged in order to facilitate the required changes;
  - (b) approves the proposed hearing procedure now circulated; and
  - (c) in the light of the information now reported, approves the establishment of a Sub-Committee, comprising Councillors

Talib Hussain, Vickie Priestley and Sioned-Mair Richards, to consider the appeal now mentioned, at 12.30 pm, on 18<sup>th</sup> February, 2015.

## 6.2 Appeals

6.2.1 The Executive Director, Children, Young People and Families, submitted reports and commented upon six cases where parents had appealed against the administrative decisions made by the Executive Director with regard to the refusal to grant home to school travel bus passes.

6.2.2 The Committee gave consideration to all the supporting information and evidence provided by the pupils' parents including, in some cases, evidence and advice provided by voluntary or professional bodies and organisations and, arising therefrom, it was:-

6.2.3 RESOLVED: That (a) three appeals be not upheld on the grounds that there are no exceptional circumstances demonstrated, and having regard to the Council's Home to School Transport Policy, (i) the schools that two of the pupils are requesting passes for are not their catchment schools/nearest suitable schools (Case Nos. KIED1 and KIED2) and (ii) the distance from the home address of one of the pupils to the school for which they are requesting a pass for is less than the distance in the criteria (Case No. STMA1);

(b) two appeals be upheld on the grounds that there are exceptional family circumstances in the cases (Case Nos. STAN1 and SB1); and

(c) consideration of the remaining appeal be deferred to enable the Executive Director to seek further information in connection with the case and, if and when such information is provided, authority be given for the Executive Director, in consultation with the Chair, to determine the appeal (Case No. WAME1).

(NOTE: In accordance with Council Procedure Rule 26 of the Council's Constitution and the provisions of Section 100B(4)(b) of the Local Government (Access to Information) Act 1985, the Chair decided that Case Nos. STAN1 and SB1 be considered as matters of urgency in order for the appeals to be considered at the earliest possible opportunity, although it had not been possible to give five clear days' notice that the appeals were to be considered).

## 7. **SCHOOL ADMISSION REQUESTS - PRIMARY SCHOOL PLACES**

### 7.1 Request for Early Entry

7.1.1 The Executive Director, Children, Young People and Families, submitted a report and commented upon a case where parents had

requested the City Council to give consideration to a request for early entry into a reception class and, arising therefrom, it was:-

- 7.1.2 RESOLVED: That the request be not granted on the grounds that the Committee is of the opinion that there are no exceptional educational, financial, medical or family reasons for allowing the child early entry to school (Case No. EE1).

7.2 *Request to Consider a Change of Circumstances*

- 7.2.1 The Executive Director, Children, Young People and Families, submitted a report and commented upon a case where parents had made a request for the Committee to consider a change in the family's circumstances, in connection with their request for a place at their preferred school and, arising therefrom, it was:-

- 7.2.2 RESOLVED: That upon consideration of the case, and with due regard to the additional information now submitted, the Committee considers that there has been a material change in the family's circumstances and therefore, authorises the Executive Director to process a new application in this case (Case No. CH1).

(NOTE: In accordance with Council Procedure Rule 26 of the Council's Constitution and the provisions of Section 100B(4)(b) of the Local Government (Access to Information) Act 1985, the Chair decided that Case No. CH1 be considered as a matter of urgency in order for the request to be considered at the earliest possible opportunity, although it had not been possible to give five clear days' notice that the request was to be considered).

**8. SCHOOL ADMISSION REQUESTS - SECONDARY SCHOOL PLACES**

- 8.1 The Executive Director, Children, Young People and Families, submitted reports and commented upon 34 cases where parents had expressed a wish for their children to be admitted to secondary schools of their choice. The Executive Director stated that places in secondary schools had been identified by the City Council, in accordance with the published admission criteria, and it had been agreed that the Executive Director would provisionally allocate places at those schools where there were places available, up to the standard number/admission limit. The Committee was requested to consider prioritising the pupils on waiting lists, within their respective categories, for admission if and when places become available.

- 8.2 The Committee gave consideration to all the supporting evidence and information provided by the pupils' parents including, in some cases, evidence and advice provided by voluntary or professional bodies and organisations and, arising therefrom, it was:-

8.3 RESOLVED: That (a) 33 pupils be not prioritised on the waiting lists, within their respective categories, on the grounds that the Committee considers that there are no exceptional educational, financial, medical or family circumstances demonstrated (Case Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34); and

(b) one pupil be prioritised at the top of the waiting lists in respect of their three priority schools, in the respective categories (Case No. 16).

## **9. DATE OF NEXT MEETING**

9.1 It was noted that the next meeting of the Committee will be held on Wednesday, 18<sup>th</sup> February 2015, at 1.00 pm, in the Town Hall.