

EAST LANE PRIMARY SCHOOL STATEMENT

The legal background

Section 86(1) of the 1998 School Standards and Framework Act requires the school to make arrangements to enable parents to express a preference as to the school at which they wish education to be provided for their child and to give reasons.

East Lane Primary School has a duty under the Act to comply with parental preference expressed in accordance with the co-ordinated admission arrangements, which was published by the London Borough of Brent in their Secondary School composite prospectus and also on the school's website. However, the duty imposed does not apply if compliance with the preference would prejudice the provision of efficient education and the efficient use of resources at the school.

The applications

East Lane Primary School had 394 on time applicants listing the school as one of their preferences. As a consequence of following the School's published admission criteria set out below, the school was unable to offer him/her a place for September 2023 as other children, under the policy, were deemed to have a higher priority.

Criteria for Admission to East Lane Primary School

All on time applications were considered by the Governors under the following oversubscription criteria:

All children with an Education, Health Care Plan (formerly known as a Statement making the school are given the top priority.

1. Looked After Children, including previously Looked After Children.
2. Special medical or social reasons. These reasons must relate to the student and does not apply to family members. Parents applying under this criterion must provide supporting evidence from a professional e.g. a consultant, stating why East Lane Primary School is the most suitable school and the difficulties caused if the child attends another school.
3. Children who have a sibling at East Lane Primary School on the date of admission.
4. Priority will be given to children of staff in either of the following circumstances: a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.
5. Those living closest to the school. Distance will be measured in a straight line from the child's permanent home address to the school. Where applicants live in the same block of flats measurements will be taken from the door of each individual.

The college received **394** interested applicants. Offers were allocated using the criteria above as follows:

- 0 Children with an Education Health Care Plan naming the school.
- 0 Look after (or previously) Children
- 0 Social/Medical Reasons accepted by the Governors
- 31 Sibling Connections
- 0 Children for Staff members
- 59 Based on distance from the school

Prejudice to the provision of efficient education and the efficient use of resources

Infant class size appeals

The law states **infant classes may not contain more than 30 pupils** therefore there are limited grounds in which an appeal for an infant class will be successful. These are:

1. The panel finds that the admission of additional children would **not increase** the infant class size limit.
2. The panel finds that the admission arrangements for the school did not comply with admissions law or were not correctly applied and that the child would have been offered a place if the arrangements had been correctly and impartially applied.
3. The panel decides that the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case. Please note that the law defines 'unreasonable' as a decision which was "perverse in the light of the admission arrangements and beyond the range of responses open to a reasonable decision maker'. The panel must use the legal definition of 'unreasonable'.

The Governing Body of East Lane Primary School considers that it is relieved of its duty to comply with parental preference under Section 86(2) of the School Standard and Framework Act 1998 because to accept additional pupils would prejudice the provision of efficient education and the efficient use of resources under section 86(3) (a) of the Act for the reasons set out below.

Class sizes are limited to 30 in Foundation and KS1. The School Standards and Framework Act 1998 introduced a commitment to place an upper limit on infant (Age 4-7: Reception and Key Stage 1) class sizes of a maximum 30 pupils per teacher. This puts a duty on Local Authorities and schools to limit the size of infant classes taught by one teacher to 30 pupils. This became a legal requirement from September 2001.

Conclusion

The school would argue most strongly, that to allow this appeal would be prejudicial to the provision of efficient education and the efficient use of resources under section 86(3)(a) of the School Standard and Framework Act 1998.

Mr J Evans
Co-CEO