

**STATEMENT PRESENTED BY THE HEADTEACHER OF CLAPTON GIRLS' ACADEMY  
ON BEHALF OF THE GOVERNING BODY**

APPEAL AGAINST AN **IN YEAR TRANSFER** ADMISSION DECISION 2022/23

**THE APPLICATION**

At the time of application, the year group was full and therefore the Academy was unable to offer a place.

**The Legal Background**

Section 86 (1) of the 1998 Education Act requires Clapton Girls' Academy 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 for this choice.

Clapton Girls' Academy has a duty to comply with parental preference unless certain specified circumstances apply. In the above case, the circumstances which apply are that to comply with parental preference would prejudice the provision of efficient education and the efficient use of resources at this academy.

**The School's Published Admission Number**

Schools must have an admission number for each relevant year group. Admission Authorities can set an admission number for a relevant age group that is either higher or lower than the capacity assessment. **180** has been determined as the admission number for Clapton Girls' Academy, after having regard to the school's capacity assessment. A school must admit up to its admission number if sufficient applications are received. Parents must be informed of this number in the annual prospectus. The number has been published in Secondary Schools in Hackney, A Guide for Parents.

**Prejudice to the Provision of efficient education and the efficient use of Resources**

Clapton Girls' Academy's Governing Body considers that it is relieved of its duty to comply with parental preference under Section 86 (2) of the Education 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 reason set out below.

Panel members will also wish to know that the staffing levels of each school are determined annually on the basis of the projected roll for the following academic year and the resources made available to the school.

The governors disagree with the argument, presented by some parents, that the Academy would not be prejudiced by accepting students above the published admission number, as previous successful appeals have led to higher numbers in classes. The governors would refer the panel to a Judicial Review, 'Havering v Kingsley (2007)' to counter that argument. In the review, Mr Justice Davis said, "An ability to cope as best as one can in a class with too many pupils is not the same as saying there is no prejudice arising from the admission of one extra pupil". The governors maintain that 30 students is the nationally accepted number of pupils in a class and the education would be diluted if the numbers were to go over 30.

**THE APPLICATION PROCESS**

Clapton Girls' Academy participates in the in year co-ordinated admissions procedure, provided and administered by the Local Authority, for all schools and academies in Hackney. The Local Authority coordinates the application process on behalf of Clapton Girls' Academy which is in accordance with Government legislation.

Your application was duly considered, but as the year group is full, the Governors were unable to offer a place.

**THE PUBLISHED ADMISSION NUMBER (PAN) for 2022-23 is 180 girls. The PAN for the years 7 – 11 is 180.**

### **OVER-SUBSCRIPTION PROCEDURE**

Where the number of applicants for admission is greater than the PAN, applications will be considered within each band against the criteria set out below, using the following order of priority:

- Looked After and Previously Looked After Children: A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in section 22(1) of the Children Act 1989). A 'previously looked after child' is a child who was looked after and immediately thereafter became subject to an adoption or special guardianship order.
- Children whose siblings currently attend Clapton Girls' Academy and Sixth Form and who will continue to do so on the date of admission. Siblings must live permanently at the same address as the child for whom the application is being made. (Sibling refers to a sister, a half-sister, an adopted sister, a step-sister, or the child of the parent/carer's partner and in every case the child must be living permanently in the same family unit at the same address).
- Children who live closest to the school. Distance will be measured in a straight line by the Local Authority's computerised measuring system from the designated point of the child's home address to the designated point of the school. If distances are equal (for example within a block of flats), lots will be drawn by a person independent of Clapton Girls' Academy to determine the allocation. The Governors will only consider applications from the applicant's permanent home address e.g. where they are living with one or both parents for the majority of the school week (Monday-Friday). Proof may be required such as a council tax form, a bank statement and any other documentation that the Governors may deem to be required. Fraudulent or misleading applications will be withdrawn in line with the admissions code.
- If only one place is available for more than one child, who is one of twins or of a multiple birth within the same family, the Clapton Girls' Academy will establish if it is able to admit above the PAN. If this is not possible lots will be drawn by a person independent of Clapton Girls' Academy to determine the allocation.

The case for not admitting additional students to the academy rests on two areas:

1. The immediate implications for 2022-23
2. The long-term implications for future years, known as 'future prejudice'.

### **The immediate implications for 2022-23**

In accordance with our published admission criteria, all places in all year groups have been offered to 180 girls in each of the year 7 to 11 year groups. To admit an additional student would prejudice the efficient provision for those already at Clapton Girls' Academy for the following reasons:

1. We are resourced for 180 children in each year group. Any students admitted above the number for which the school receives resources means that there is correspondingly reduced access to facilities and learning materials for all students.
2. Additional constraints on space would be experienced in the specialist rooms (such as Science and Design and Technology) because practical subjects are arranged to provide for a fixed number of safe working places, each with access to specialist equipment such as gas taps, electrical sockets and specialised equipment. Any increase in class size would result in students being denied full access to the specialist subjects available. Any additional students admitted to any group would mean a reduced amount of teacher time for each child.

3. A number of our students have additional needs (including Learning Difficulties, Social, Emotional and Mental Health needs, speech and language difficulties, and English as an Additional language). As we have a legal obligation to ensure that these students' needs are met, having more students than our admissions number may well affect our ability to provide for all students at the academy. This situation has also been exacerbated by the recent pandemic and we continue to see increasing numbers of referrals for in school support for students with social, emotional and mental health needs specifically.
4. Our academy is housed in buildings of varying ages. Some of our classrooms are smaller than the recommended minimum of 56sq m for classrooms as set by the Department for Education. Usable space both inside and outside the building is very limited. A further increase on our roll would further constrain this space.
5. Health and safety is a major concern. Our classrooms are designed to accommodate a maximum of 30 students. It will be difficult to physically fit in any additional students. We are also concerned about the impact on health and safety for our students if we are forced to accept additional students.
6. Health and safety is of particular concern at lesson changeover time. There are a number of pinch points along corridors and stairwells.
7. We have excellent attendance at the academy. Attendance is often as high as 100% and the academy has an overall annual attendance figure above the national average for girls' secondary schools. There is very little mobility and this further increases the pressure on space.

**The long-term implications for future years, known as future prejudice.**

(i.e. what effect additional admissions would have on later year groups.):

1. Although our school is situated on an average site where space is used to the maximum, we do not have the finances to build additional classrooms for additional children.
2. The academy prides itself on the academic achievements of its students. We are concerned that additional numbers will affect the educational experience of those students in years 10 and 11. Mobility at the school is low as girls rarely leave. We would not like to see girls studying for public examinations in groups of more than 30.

**Conclusion**

The success of Clapton Girls' Academy is dependent on our ability to deliver our vision of an education worthy of the 21<sup>st</sup> century which encompasses both academic success and student well-being. The implementation of our vision would be negatively affected by the increase of students above our published admission number to the detriment of the students already on roll.

**At the hearing, the school will update the parent and the panel as to the number on roll and the number of girls with an Education Health Care Plan for the relevant year group.**

**Anna Feltham  
Headteacher  
Clapton Girls' Academy**

**September 2022**