

# REPORT TO LEEDS ADMISSION FORUM

## Briefing Note – Consultation on proposed School Admissions Code

### 1.0 Introduction

The DCSF consultation is running until 2 October 2008. The current law on school admissions is contained in the School Standards and Framework Act 1998. The Education and Skills Bill, which is currently progressing through Parliament, will make changes to the law, provided that it receives Royal Assent. Those changes relate to:

- New local consultation process for determining admission arrangements
- Local Authority reports to the Schools Adjudicator
- The powers and duties of the Schools Adjudicator
- School sixth forms

There are proposals in the consultation which would require further changes to primary legislation relating to Admissions Forums. The new duties being placed on the local authority will lead to some duplication of functions with the Admissions Forum role. The local authority have a duty through the Education and Skills bill to report on the legality, fairness and effectiveness of admissions arrangements to the Schools Adjudicator. The report will cover the extent to which admission arrangements meet the needs of vulnerable children, such as children in care and children with statements of special educational needs of those with behavioural problems. It will also include the number of admission appeals heard and upheld and how many children have been admitted under the Fair Access Protocol.

The consultation response form asks 33 questions. The relevant question numbers are highlighted below the description of the key changes, and a copy of the consultation response form is included as an appendix.

### 2.0 Admission Forums

There are four key improvements that are being consulted on:

A. Change the membership of Admission Forum

Make the Forum into a smaller advisory group representing those with an interest in local school admissions. To include proportional representation, reflecting the local area, of types of school, faith groups, community groups and parents.

Comment – would Admission Forum like to raise the issue that restricts where parent governors can be drawn from, making that a very restricted group.

## B. Change the focus of Admission Forum

To consider the fairness, rather than the legality, of admission arrangements. It should be noted that the local authority will also be required to report on this to the Schools Adjudicator.

The Admission Forum would still retain its statutory functions to give advice to local authorities and other admission authorities, to be notified of arrangements and variations and to object to the Schools Adjudicator where admission arrangements are unfair, and the power to report on arrangements.

## C. Simplify the regulations for Admissions Forum reports

To prevent duplication with the local authority report. The Forum report could focus on how arrangements work in the local context.

## D. To make the establishment of an Admission forum voluntary

Local authorities could decide with schools and other key bodies if they want to establish an Admission Forum.

Consultation questions: Q6, Q7

## 3.0 Other proposed key changes

### 3.1 Extend coordination by the local authority

The proposal is to fully coordinate the normal admission round for Primary school admissions. Admissions are already coordinated within the local authority and this would simply extend that coordination, in the same way as secondary, across local authorities. The proposal is to set national dates, possibly for applications and deadlines, but the proposals stop short of setting a national offer day for primary.

Local impact – it is likely that the offer day would no longer be able to be 1 March, and would almost certainly be in April or possibly May. Many smaller authorities have raised concerns that it would not be possible for them to meet the deadlines if the national offer days for primary and secondary were the same.

Consultation questions: Q1, Q2,

### 3.2 Fully coordinate in year transfers

Under the proposal all parents would apply to their home local authority at any time of transfer for a place in any school. Currently parents in Leeds apply to the local authority for a place in a community or voluntary controlled school, but directly to a voluntary aided or foundation school, or an academy.

Local impact – voluntary aided and foundation schools and academies would no longer be able to admit pupils directly but must wait for the local authority to make an offer on their behalf. Whilst this is simpler for parents it may potentially slow down entry for some young people into school, due to the additional administrative layer. It would ensure that all parents were treated equally and offered their right of appeal.

Consultation questions: Q3,

### **3.3 Waiting lists**

Under the proposal waiting lists must be held for all oversubscribed schools. Currently we only hold waiting lists for entry into reception and year 7 until the October half term. The proposal would mean holding waiting lists for all schools for all year groups. It is quite common, currently, for schools to hold lists of parents who have expressed an interest in the school and may contact them when places become available, however these may not be held in the criteria order of the policy offering unfair advantage to some parents. School funding is based on the number of pupils on roll so there is a desire to remain full. However it is not necessarily in the best interests of the young person to move school more frequently than necessary. The proposal does not go on to suggest how long a child's name should be held on a waiting list, or whether it may be there indefinitely.

Consultation questions:

### **3.4 New consultation process**

Rather than consulting on admission arrangements every year the proposal is that consultation need only take place every third year unless changes have been made to the arrangements. The consultation must now include parents and community groups, and where an increase in the admission number is proposed, the trade unions representing staff at the school.

Consultation questions: Q4, Q5,

### **3.5 School admission appeals**

Infant class size appeals can only succeed in very limited circumstances. There is a proposal that local authorities appoint a suitably independent and qualified reviewer who can advise parents whether their appeal is likely to be successful. The parents will maintain their right of appeal even where the reviewer indicates there is no case. Whilst I can see why the DCSF believe this may reduce the number of appeals it would leave parents who were told they may have a case with additional weight at their subsequent appeal. This would appear to be prejudicial to the process.

It is further proposed that schools who are their own admission authority be encouraged to use the local authority or diocesan bodies to organise their appeals, to ensure they are managed appropriately. Consideration is also being given to allowing appeal panels to consider whether admission arrangements are lawful. This latter point seems inappropriate as it will require the panels to have significantly wider knowledge than at present, and the legality of arrangements will have been considered by the School's Adjudicator each year, so should be quite unnecessary.

Consultation questions: Q8, Q9, Q10,

### **3.6 Information for parents**

The contents of the composite prospectus are to be further extended and be produced in hard copy and online. This already weighty document will be further increased in size, and authorities and schools will be required to provide translated copies on request of any information provided free of charge. Whilst it is important for parents to be able to access all of the information they require easily, many are put off by the very large document. Much advice is now away from translating documents, and in practical terms it would take several weeks to obtain a translation of such a large document on demand.

Consultation questions: Q11, Q12,

### **3.7 Duty for local authorities to report on admission arrangements**

It is proposed that the local authority will report to the Schools Adjudicator each year on the operation of the admission arrangements, including appeals and fair access. Currently this is one of the new duties introduced in the last Code that is to be undertaken by Admissions Forum. The role of the Schools Adjudicator is being strengthened to receive these reports, and those on determining admission arrangements, and to undertake a more proactive role in ensuring that admission arrangements fully comply with the law.

Consultation questions: Q13, Q14, Q15, Q16,

### **3.8 Fair Access**

The Fair Access Protocols have been extended in their level of detail. Local authorities must explain in their protocol how decisions are taken and the timescales for considering and resolving individual cases. There is a great deal of extra detail in Appendix 3 of the draft Code on considering individual cases of young people with more challenging behaviour.

Consultation questions: Q20, Q21

### **3.9 Supporting the school ethos**

The proposal is to allow schools to include a clear statement of its ethos in their admissions arrangements and ask parents to indicate that they will support that ethos, giving a higher priority for the school. This is an unusual proposal in that the direction of changes to legislation has been very clearly towards clarity for parents and fairness in admissions arrangements. Where a school publishes an ethos and asks parents to indicate their support in order to gain a higher priority for admission, then the only parents not likely to give such an indication are those who have more difficulty in engaging with, and understanding, the admission process. The explanation we are given for adding this proposal is to encourage diversity and choice.

Consultation questions: Q22, Q23

### **3.10 School sixth forms**

The government are raising the participation age from 16 to 18 and the proposal is to allow young people in this age group to apply for a school place, together with, or separately from, their parents. It is not yet clear which view will take precedence in the event of a dispute between the young person and their parents. There will be further changes to the appeal Code to allow for appeals jointly where a place has been refused. The Code also states that the parent and/or young person will be able to apply for a school place other than a school sixth form. It is not yet clear what the intention behind this is although we have sought clarification.

Consultation questions: Q24, Q25,

### **3.11 New schools**

The admission arrangements for a new school will be required to be given in the statutory proposal for any new school and will remain fixed for the first three years.

Consultation questions: Q26,

### **3.12 Published Admission Numbers**

Statutory notices will no longer be required for any schools wishing to increase their admission number, unless a physical expansion of the school would be required. This is to allow popular and successful schools to expand more quickly and easily. It is proposed that a school will be able to request additional children up until 31 January, and indeed, even once offers have been made. Only if requests for more than 26 children are made for three consecutive years by a school would they be required to determine a higher published admission number. Whilst this will provide a great deal of flexibility where schools consider they can accommodate additional pupils, it will make the establishment of a case for prejudice at subsequent appeals very difficult.

Consultation questions: Q27, Q28

### **3.13 Appeals representation**

The appeals code has been amended to allow parents to be supported at appeal hearings by elected members, both councillors and MPs.

Consultation questions: Q32

### **3.14 Service families**

The government is about to publish proposals in a Command Paper on how it can improve access to public services for Service personnel and their families so that they are not disadvantaged by being in the Armed Forces. This may include consideration of whether prioritisation in relation to particular public services is necessary or desirable.

Consultation questions: Q17, Q18, Q19

### **3.15 Charging and banding**

The government want to make it clear that schools cannot ask for voluntary contributions as part of the admissions process. The criteria around banding is more prescriptive about what banding arrangements must be representative of, that of the national ability range, ability range of children in the local area, or full range of ability of applicants for the school.

Consultation questions: Q29, Q30

## **4.0 Conclusion**

Admission Forum will wish to consider the proposed changes and comment, particularly, on the proposed changes directly affecting the Forum itself. The consultation responses must be received by the DCSF by 2 October 2008. Implementation of any changes is expected to take effect in early 2009, including the new rules for consultation on admission arrangements which is due to be taking place at that time. Consultation question 31 and 33 are asking for general comments and comments on the draft regulations.