



**Report of : Head of Service – School Access**

**Meeting: Admissions Forum**

**Date of meeting: 15 June 2011**

**SUBJECT: Briefing on Draft Admissions Code 2011**

## **1.0 Purpose Of This Report**

To advise the Leeds Admissions Forum on the content of the consultation on a new School Admissions Code released on 27 May 2011.

## **2.0 Background Information**

The current Schools Admissions Code has been in force since February 2009. The draft School Admissions Code and draft School Admission Appeals Code were released for consultation on 27 May 2011. The consultation period runs for 12 weeks, which would be 19 August 2011. The government's stated intention is to simplify and slim down the Code and to reduce bureaucracy.

The previous Code contained 'must' and 'must not's as well as 'should' and 'should not's. The 'should's do not exist in the new Code. The statutory instruments which provide the primary legislation on which the Admissions Code is based are to be updated. They are not available at the time of this consultation but the intention is that they will confirm the new Code and not add another layer of requirements.

The Education Bill, subject to Royal assent, will enable the Schools Adjudicator to hear objections about all state-funded schools, including academies. It will also see the statutory requirement for an Admissions Forum removed. There is no reference to Admissions Forums in the new Code. Enactment of the Education Bill is currently expected to be in early 2012.

## **3.0 Main Issues**

### **Key changes highlighted in the consultation:**

#### **The removal of the requirement on local authorities to coordinate in year admissions.**

There is no doubt that the introduction of full coordination in September 2010 has been challenging. The assessment by the previous government that this would be 'cost neutral' was significantly misplaced. Despite the obstacles and additional work involved, the majority of local authorities are of the view that it has provided the most equitable and fairest system for parents, as well as carrying many safeguarding benefits. The team in Leeds have dealt with over 7,000 transfer requests in the last 12 months (although full coordination has only been in place for 9 of those months - only community school transfers were dealt with previously) and at peak times there have been delays for parents in receiving the offer of a school place.

The proposal in the new Code is that parents apply directly to schools. Schools must then advise the authority of both the application and the outcome (offer or refusal). The authority must make available a suitable form which parents can use to apply, and maintain an up to date record of where vacancies exist. Parents would only approach the authority for advice and guidance, and to find out which schools have places.

## **Changes to the Published Admission Number (PAN)**

Admission authorities will no longer have to consult on an increase to PAN. They will notify the local authority of their intention to increase. The local authority and other interested parties will still have the right to object to the Schools Adjudicator after 15 April each year, but there will be a presumption that the increase will be agreed unless there is a clear threat to pupil safety. Schools will no longer have to seek approval from the local authority to admit pupils in year above PAN. The intention is that popular schools will be able to expand more easily.

Similarly a school will not be able to reduce its PAN unless there is evidence of sustained lack of parental demand.

## **Random Allocation**

Local authorities will not be permitted to use random allocation as the primary means of determining places. This is presently only used in Leeds as a tie break where there are two children the same distance from a school, e.g. in a block of flats, and this use would still be permitted.

## **Infant Class size exceptions**

There is a proposal to add two further exceptions. Twins (and multiple births), and Service personnel arriving outside of the normal admission round. Although not made clear within the Code, the consultation document states that they are also consulting on removing the requirement to take qualifying measures to get back to 30 at the end of the academic year in which the excepted children entered the class. Clearly this has the potential to result in larger class sizes in Key Stage 1.

## **Reduction in consultation requirements**

Where no changes to the admission arrangements are proposed, consultation will only be required every seven years. As increasing PAN does not require consultation, changes only to the admission number would not require consultation on all of the arrangements. At present the requirement is for consultation every three years.

## **Giving priority to children attracting the Pupil Premium**

Children who are eligible for Free School Meals attract the Pupil Premium. The proposal is to allow Free Schools and Academies only to give a higher priority for admissions to children from poorer families.

## **Children of school staff**

Although the Code prohibits considering a parents employment status in admissions criteria the proposal is that admission authorities could choose to give a higher priority to children of staff at the school. It would be for them to define 'staff' and whether this includes teaching and non-teaching.

## **Changes not highlighted in the consultation but worthy of note:**

In streamlining the Code the obstacles to creating the sibling link between entry into infant school when the older child has already moved on to junior school has been removed and we could introduce the long requested change to strengthen the link between infant and their linked junior schools.

The authority must provide full time and part time places for parents wishing to defer entry into primary school.

The prospectus would continue to need to be available online, but only in hard copy for those parents without access to the internet. There is also no detail as to what must be contained which would allow us to produce information for parents in a more flexible way.

There is no requirement for independent Choice Advice to be provided. The local authority does retain a duty to provide information, advice and guidance for parents but it does not have to provide an independent service. The centrally funded Choice Advice Support and Quality assurance Network has already been brought to a close and Choice Advisers are now being directed to their local authority Admissions Team for advice.

### **Fair Access Protocol**

This remains but must be agreed with the majority of schools. It must include how the local authority will use alternative provision for those not considered ready for mainstream schools. The Protocol would only be triggered where a parent cannot secure a place. At present in Leeds we use the Protocol very proactively, on application, to enable us to balance the needs of the child with a fair sharing arrangement for schools, that has in recent years ensured that every child in Leeds does receive the offer of an appropriate school place. With the support and partnership of all of the schools and academies in Leeds, the Fair Access Protocol has been very successful. To use FAP only when a parent has been unable to secure a place will leave the most vulnerable and difficult to place children out of school for longer. Under the proposal there would also be no requirement to consider parental preference when using the Protocol.

### **Key changes to the Admission Appeals Code:**

Changes to timescales. At present parents must be given a minimum of 10 days in which to appeal, although there is no deadline and appeals must be accepted at any time. The proposal is to give parents a minimum of 30 working days to appeal, for two stated reasons. The first is that it gives parents longer to consider other options in the belief that fewer parents will go on to appeal. The second is to allow parents time to submit a more complete appeal. This leads into a further proposal that parents will have at least two opportunities to submit further evidence, but that there will be no requirement for the panel to accept evidence not submitted in advance of the hearing.

Currently timescales for appeals are in school days. The new Code changes these to working days. This will lead to a necessity to hear appeals during school holiday, which may prove difficult for schools that are their own admitting authority.

We presently have until 6 July to hear all on time secondary school appeals, which we achieve each year. The new Code will require appeals to be heard with 40 working days of the deadline. For large authorities such as Leeds, this will be very difficult to achieve. For example last year 400 secondary appeals were heard during the summer. We had all of April, May and June within which to hear them. Under the proposed timescales parents would have six weeks in which to lodge their appeal which would be about 20 April. We would then have to give 15 days notice of the appeal leaving 25 working days to hear all appeals. To hear all primary appeals within the timescales would require the offer date to be at least two weeks earlier than it is at present.

Appeals will be able to be heard on school premises and will no longer require a neutral venue. Training for panel members is currently required every two years with annual updates. The proposal is that this is relaxed, although panel members will still require training before they can first begin to hear appeals.

## **4.0 Conclusions**

The Code is much reduced in size and is now only 29 pages in length. A great deal of prescriptive detail has been removed. The role of the local authority is diminished, and the Education Bill would also see the removal of the statutory role of the Admission Forum.

## **5.0 Recommendations**

Forum may wish to meet again, either in full, or in a smaller sub group, to consider the new Code in detail and submit their response to the consultation before the deadline of 19 August 2011.