



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

**Meeting: Admissions Forum**

**Date of meeting: 15 November 2011**

**SUBJECT: Briefing on the draft Admissions and Admission Appeals Codes**

## **1.0 Purpose Of This Report**

The draft Codes were published by the DfE on 2 November 2011 and are expected to come into force in February 2012. The report is to provide a briefing on the changes. Until the draft Regulations are also made public there are some issues that remain unclear.

## **2.0 Background Information**

The Draft School Admissions Code and Draft School Admission Appeals Code were released by the DfE on 2 November 2011 and will be laid before parliament later in December 2011 along with the Draft Admissions Regulations 2012. The new School Admissions Code and School Admission Appeals Code will come into effect on 1 February 2012. Several aspects of the new Code are also dependant on the Education Bill receiving Royal Assent.

The changes will apply to the admission round in September 2013. Admission Authorities are required to consult on their admission arrangements for September 2013 between 1 November 2011 and 1 March 2012 for a minimum of an eight week period. The draft Code has been released now to enable Admission Authorities to comply with the new requirements. The new Code applies equally to schools and academies.

The implications of these changes will need to be considered before bringing forward the local authority consultation, which would normally begin on 1 December. It would be prudent to have sight of the Draft Regulations as these will constitute the primary legislation, before consulting on proposed changes.

## **3.0 Main Issues**

### **Consultation**

The previous Code, in 2009, reduced the requirement to consult annually to every three years unless changes were proposed. This is now further reduced to every seven years where there are no changes. The new Code is explicit with respect to the changes to the Planned Admission Number (PAN); there is no requirement to consult on any increase, but any decrease will require consultation.

The Local Authority is the admission authority for community and voluntary controlled schools. The LA will be required to consult, at least, the governing bodies of those schools about either an increase, or no change, to the PAN. If the PAN set by the LA is lower than the school wish they have the right to object to the Office of the Schools Adjudicator.

Own Admission Authorities (Aided and Foundation schools and Academies) are not required to consult on a proposed increase (unless statutory process is required) but must notify the local authority and include the information on their website. Statutory process is required for a proposed enlargement of the premises of the school, so an increase requiring additional accommodation to be provided.

Admission Authorities can also go on to admit more pupils than their PAN, but must tell the local authority in time for the coordinated arrangements that they intend to do so.

### **Oversubscription criteria**

All admission policies must still have Looked After Children as the highest priority, however this has been extended to include Adopted children, those with a residence order or special guardianship immediately following having been looked after. At present in Leeds we already offer the same priority to those who have been recently adopted, and this will be a slight extension to existing local practice.

There are two other notable additions. Priority can be offered to children of staff who have been employed at a school for more than two years, or who meet a skills shortage. Priority can also be offered, only by academies, to children attracting the Pupil Premium.

The rank order of the preferences, that is 'first preference first' continues to be amongst the prohibited criteria, along with the majority of others. The restriction on giving priority to siblings of former pupils has been removed, although former pupil must be defined if it is to be used.

There are some omissions, which may be accidental or by design, but until the final Code is published this will not be entirely clear. These include ranking children alphabetically or by date of birth, and ranking children by the order in which their applications arrived.

Where banding or other tests for aptitude are used (those who select up to 10% according to their specialism) the new Code requires that parents are notified of the outcome of the selection test before they apply for other schools. Previously this did not apply to those schools who used banding.

### **Entry into Reception – Infant Class size**

There will be a primary national offer day from entry in September 2014 of 16 April. This is very close to our local offer day of 20 April. Unfortunately the offer day falling after the budget setting process has created a certain amount of difficulty for primary schools who would prefer an earlier date.

There are two further addition to the list of excepted children in relation to the Infant Class Size legislation. Twins and multiple births, where the 30<sup>th</sup> child to be offered a place was one twin (or multiple birth) the other child (children) will be admitted. Children of Service personnel who arrive after the national offer day.

All reference to qualifying measures has been removed and any child admitted as an excepted child will remain so for their time in an infant class. Schools must make clear to parents that they are entitled to start full time in Reception from the September if they wish to, or to start part time until the child is of statutory school age, or defer entry until later in the year.

### **Coordination**

Full coordination for the normal admission round – entry into Reception, Junior school, or year 7 – remains unaffected and a duty of the local authority. However the relatively recently introduced coordination of in year transfers is to be removed from September 2013. Parents will apply to any school at any time. The local authority has a duty to provide a suitable form for parents to use to apply to an Admission Authority. A school must notify the local authority of any application and its outcome to enable the local authority to know where vacancies exist.

### **Fair Access Protocol**

A Protocol is still required and must be agreed by the majority of schools. Its purpose is to ensure that 'unplaced children' are offered a place quickly. The protocol must include how the Local Authority will use provision to ensure those not ready for mainstream will have their needs met. FAP will be 'triggered' when a parent has been unable to secure a place. There is no duty to comply with parental preference. Looked After children are not part of FAP as they must be admitted. Schools cannot refuse a child on the basis that the child must first be assessed for SEN.

### **Admission Forum**

There is no reference to Admission Forum in the new Code. Its removal as a statutory body is part of the Education Bill and the new Code clearly assumes this will receive Royal Assent.

### **Choice Advice**

Again there is no reference to 'Choice Advice' in the new Code. Local Authorities have had a duty since 1998 to provide advice and guidance for parents applying for school places, but the requirement for separate provision to be made has been removed.

### **Draft Admission Appeals Code**

The new Code will come into force in February 2012 and will apply to all appeals lodged after a date that is yet to be specified. It is reasonable to conclude that this could apply to appeals in 2012.

All Admission Authorities will have to publish a timetable for appeals by 28 February each year.

There is now an extended deadline to submit appeals of 20 school days (previously 10). Parents must be given 10 school days notice of the appeal hearing. There must be a maximum of 40 school days to hear all appeals from the deadline for submission, however 10 days are not usable due to the need to give these as the notice period.

Appeals submitted after the deadline must still be heard but within a timescale set out by the admission authority.

In year appeals must be heard within 30 school days.

Applications for sixth form that have been refused must also be given the right of appeal. Those refused because the school is full must be heard within 40 school days of being lodged. Those dependent on exam results must not be heard before the results day, then must be heard within 30 school days.

The rules on training of panel members, advertising for lay members and use of school premises for hearing appeals have all been relaxed. Training and advertising is still required but less frequently.

## **4.0 Conclusions**

That Admissions Forum note the changes to the new Codes. Although Forum would generally receive information on the proposed items for consultation at this meeting, this has had to be delayed until there has been time to evaluate the changes as they apply to this round of consultation. We will write out to Admission Forum members with the consultation as soon as it is available. We welcome any views that members of Forum wish to make at this time on how the changes will affect the local context.