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**TO ALL MEMBERS OF THE
CENTRAL BEDFORDSHIRE ADMISSIONS FORUM**

22 June 2011

Dear Member

CENTRAL BEDFORDSHIRE ADMISSIONS FORUM – TUESDAY, 28 JUNE 2011

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following late report:-

**8. Consultation On Changes To The School Admission And
School Admission Appeals Codes**

Should you have any queries regarding the above please contact me.

Yours sincerely

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Meeting: CENTRAL BEDFORDSHIRE ADMISSIONS FORUM
Date: 28 June 2011
Subject: Consultation on Changes to School Admission and School Admission Appeal Codes
Report of: Deputy Chief Executive/Director of Children's Services
Summary: To report on the proposed changes to the School Admission and School Admission Appeal Codes

Contact Officer: Rosa Bonwick

RECOMMENDATION:

- 1. To seek the views of the Forum on the proposed changes to the School Admission and School Admission Appeal Codes**

Background

1. The consultation on changes to the Codes was launched on 27 May 2011 and closes on 19 August 2011. Subject to the passage of the Educational Bill 2011 and the Parliamentary process, it is planned to bring the new Codes into force in early 2012. The new Codes will apply to admissions for September 2013.
2. The intention is to significantly reduce the size of the Codes and to remove duplicate and unnecessary material, as well as confusing elements, which the Government believes have led to admission authorities interpreting the Codes in different ways. This includes the removal of the sections that refer to what an admission authority 'should' or 'should not' do.
3. The key aim of the changes to the Admissions Code is to remove many of the unnecessary burdens for schools and local authorities to allow them to focus on setting clearer, fairer admission arrangements. The Government believes that the changes will make the process simpler for parents to navigate and be more transparent.
4. The key aim of the changes to the Admission Appeals Code is to reduce costs and bureaucracy for schools, whilst ensuring that the appeals system remains fair and objective.

Key Changes to the Admissions Code

5. Removal of in-year co-ordination

It is proposed to remove the requirement on local authorities to co-ordinate in-year admissions. The purpose of introducing in-year co-ordination was to simplify the process for parents, by providing a single point of contact and by removing the need for parents to make multiple applications for school places. More importantly, however, are the safeguarding issues. Local authorities are currently able to monitor those children who are without a school place and are able to ensure that an alternative school is identified as quickly as possible, in order to minimise the amount of time spent out of school. This ensures that children are not simply 'lost' in the system and that the appropriate agencies are alerted if necessary.

Central Bedfordshire, like many other local authorities, has worked hard to ensure that the necessary systems were in place to support in-year co-ordination from the start of the current academic year. It believes that the removal of in-year co-ordination would be a backward step with potential long term implications for children and families.

6. Changes to the Published Admission Number (PAN)

The proposed changes mean that schools would no longer need the approval of the local authority to admit pupils in-year above PAN. There will be a requirement to notify the local authority of a change to PAN and to make reference to it on the school website.

In terms of admissions during the normal admissions round, it is proposed to remove the requirement to consult on an increase to PAN. Where an admission authority has determined a PAN higher than in previous years, they must notify the local authority that they have done so and make specific reference to the change on their website.

The proposed changes will enable popular schools to expand and will maximise parental preferences, thereby reducing the number of admission appeals. However, there is a concern about the detrimental impact on neighbouring schools and the potential for surplus places at some schools.

7. Random allocation

It is proposed to restrict the use of random allocation as an oversubscription criterion to individual schools. Central Bedfordshire does not use random allocation as either an oversubscription criterion or as a tiebreaker.

8. Infant class size exceptions

It is proposed to add two new categories, twins (and other multiple birth children) and service children to the list of exceptions which permit an infant class to be over 30. It is also proposed to remove the requirement on admission authorities to take correcting measures to revert to 30 at the end of the year in which the excepted pupils enter the class. This will give schools more flexibility as to how they manage the class going forward and avoid having to take potentially expensive measures for one or two children.

The Local Authority would support this change.

9. **Reduction in consultation requirements where no changes to admission arrangements are proposed**

Currently admission authorities must consult on their proposed admission arrangements every three years, even if there are no changes. It is proposed that admission authorities should only be required to consult on their admission arrangements once every seven years if no changes are proposed. Any admission authority which seeks to make changes to their admission arrangements must consult on those changes before they are determined, other than an increase to the PAN.

The Local Authority would support this change.

10. **Giving admissions priority to children attracting the Pupil Premium**

It is proposed that Academies and Free School be permitted to give priority in their admission arrangements to children attracting the Pupil Premium.

The Local Authority would have no objections to this in principle, but would not wish to disadvantage local catchment children. Further guidance is expected following the consultation.

11. **Children of school staff**

It is proposed to allow children of staff at the school to be included as an oversubscription criterion. It would be for admission authorities to define what is meant by 'staff' and whether it is to cover teaching and non-teaching staff, including those undertaking tasks such as catering and cleaning.

The Local Authority would have no objections to this, but would not wish children of staff to be included at a higher priority than catchment children and siblings. The Local Authority believes that the criterion should include non teaching staff also. Giving priority to teaching staff only is divisive and has the potential to discriminate against children based on the occupation of the parents.

12. **Changes to objections to the Schools Adjudicator**

A small but important number of changes to the role and functions of the Schools Adjudicator is proposed.

Currently, all objections to the Schools Adjudicator about the determined admission arrangements of any maintained school must be made by 31 July, although later referrals can be considered at the Schools Adjudicator's discretion. It is proposed to change the deadline for objections to be referred to the Schools Adjudicator to 30 June. Changes to the regulations to make it possible for anyone to object to the admission arrangements of a state funded school are also proposed.

It would make sense to amend the deadline, but this does, of course, rely on own admission authority schools determining their admission arrangements within the timescales.

Other changes to the Admissions Code

13. Siblings

The definition of a sibling in the draft code appears to allow for the inclusions of past siblings (previously deemed unlawful). Clarification will be sought from the DfE.

14. Admission of pupils with challenging behaviour

Currently, those schools with a high proportion of children with challenging behaviour and in an Ofsted category or with below floor level standards, are exempt from admitting further children with challenging behaviour, outside of the normal admissions round, even though there are places available. It appears that the protection for those schools has been removed. It is proposed that the governing body of any school with a high proportion of children with challenging behaviour can now refuse to admit a challenging pupil and can refer those pupils to the local authority for action under the Fair Access Protocol.

This has the potential to increase the number of children being placed through the Fair Access Protocol. It would also require the local authority to clearly define what is meant by a school with 'a high proportion' of children with challenging behaviour.

15. Choice Advice

The statutory duty to provide choice advice has been removed from the draft code. The local authority will be required to provide advice and assistance to parents. The choice advice service is no longer provided in Central Bedfordshire.

16. Fair Access Protocols

It appears from the draft code that the list of children to be included in a Fair Access Protocol has been reduced. This would not be an issue for the local authority as those children would be admitted through the normal admission process.

Key changes to the Admission Appeals Code

17. The following changes are proposed in the draft code:

- Appeal panels are to refer any admission arrangements they consider unlawful to the local authority and admission authority rather than to the Schools Adjudicator
- Parents are to be required to provide evidence in advance of the appeal hearing (currently parents can provide evidence at any stage of the process). Any evidence not received in advance may not be considered at the appeal
- The guidance on hearing appeals on school premises will be relaxed (currently not permitted)

- The requirement to advertise for lay appeal members every three years will be removed
- The requirement to provide panel training every two years will be removed
- Admission authorities are to publish a timetable for the full appeals process (currently set in the code) by 28 February each year
- Parents to be allowed at least 30 working days to lodge their appeal (currently 10). Appeals for the normal admissions round are to be heard within 40 working days from the deadline for lodging appeals. Parents are to be given 15 working days notice of the date of the appeal
- In-year appeals are to be heard within 30 working days of the appeal being lodged
- Changes to panel membership – members cannot be or have been employed by the home local authority in a capacity connected to education. Previously teachers and teaching assistants were exempt.

18. The Local Authority has serious concerns about the proposal to extend the timescale for lodging an appeal. The rationale for extending the deadline is that currently parents will lodge their appeal quickly rather than consider other options. By giving parents more time to consider the offer made and talk to the local authority it is believed that fewer appeals will be lodged. The local authority currently allows parents more than the statutory 10 days (3-4 weeks) to lodge an appeal, but the majority of parents currently submit their appeals well before that deadline and many within 2 weeks of receiving the decision letter.

The extended timescale will significantly delay the appeals process and will have huge implications for hearing middle and lower school appeals before the end of the summer term. It is unlikely to result in a reduction in the number of appeals lodged and will mean that appeals are heard much later, increasing the uncertainty for parents and the child.

19. The Local Authority has further concerns about the proposed changes to panel membership. This is likely to have significant implications as many panel members are former teaching staff and a significant proportion would have taught locally. Former headteachers in particular make an invaluable contribution to the process.

Key changes in the Education Bill

20. The Bill will extend the School Adjudicator's remit so that he will also be able to consider objections in respect of admission arrangements for Academies.

21. The requirement on local authorities to set up Admissions Forums (imposed by the Education Act 2002) will be removed and it will be left to local partnerships to develop and grow. Members of the Forum will recall that, at the last meeting on 22 March 2011, they expressed a preference for the Forum to continue in Central Bedfordshire.
22. It is proposed to remove the requirement on local authorities to submit an annual report to the Schools Adjudicator. Instead, local authorities will have to produce an annual report on admissions for all schools in the local area. That report would include information currently in the annual report to the Schools Adjudicator.

Conclusions

23. The school admissions framework is intended to ensure that the system is administered fairly on behalf of all children. The key aims of the changes are to make the process simpler for parents to navigate, be more transparent and reduce the costs and bureaucracy.

Whilst the Local Authority would support some of the proposed changes, it believes that making the Codes less prescriptive, could lead to misinterpretation by some admission authorities, with the potential to further complicate the process for parents, particularly with the proposed removal of in-year co-ordination. In addition, the changes to the timescales for lodging an appeal will delay the appeals process and add to the uncertainty for parents and the child.
