

SHADOW EXECUTIVE

28 OCTOBER 2008

SUBJECT	SCHOOLS ADMISSIONS AND TRANSFERS <i>(1. To advise the Shadow Authority of its statutory duty and powers in relation to schools admissions and transfers;</i> <i>2. To make some decisions in relation to admission processes during the transition period and beyond April 2009 including the formulation of an admission policy and coordinated schemes for 2010 and the establishment of a Central Bedfordshire Admissions Forum and an appeals process)</i>
REPORT OF	Interim Director of Children, Families and Learning <i>Contact Officer: Jan Didrichsen / Patricia Coker (0845 849 6091)</i>

IMPLICATIONS

SUSTAINABILITY	None
FINANCIAL	Potential transition costs of disaggregating the admissions service for personnel and ICT support. Additional financial implications would evolve out of decisions on future service delivery options. The cost of Schools Admissions is part of the Dedicated Schools Grant.
LEGAL	The Shadow Executive is responsible for taking steps to prepare for the transfer of functions from the County Council on 1 April 2009. With effect from that date, Central Bedfordshire Council will be responsible for the coordination of arrangements for the admission of pupils to schools in the district. The Government is proposing to make regulations to authorise shadow councils to undertake certain aspects of these arrangements during the transitional period. The recommendations contained in this report reflect the government's proposals.
PERSONNEL/EQUAL OPPORTUNITIES	The proposal to have a transitional arrangement with Bedford Borough Council for the period from April 2009 to 1 September 2009 will have personnel implications. All arrangements for admissions must be fair and should promote equal opportunities, as far as possible.
COMMUNITY DEV/SAFETY	None
TRADES UNION	Trade unions will be consulted as part of the transitional and disaggregation process.
HUMAN RIGHTS	None
KEY ISSUE	Yes

BUDGET/POLICY FRAMEWORK	No
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OTHER DOCUMENTS RELEVANT TO REPORT

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| <ol style="list-style-type: none"> 1. The Bedfordshire (Structural Changes) Order 2008 2. Schools Admissions (Co-ordination of Admissions Arrangements) (England) Regulations 2007. 3. Schools Standards and Framework Act 1998 4. DCSF consultation paper on the Admissions Code 2008 |
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RECOMMENDATIONS:

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| <ol style="list-style-type: none"> 1. that the Shadow Executive approves the transitional arrangements for Schools Admissions with continuing service delivery by the current Bedfordshire County Council Admissions Team to ensure seamless delivery of current admission process relating to September 2009 intake and the current determined admissions policy and coordinated scheme. 2. that the proposed transitional arrangements for Central Bedfordshire and Bedford Borough Council be put into place for five months from 1 April 2009 to 1 September 2009 so that both new unitary authorities have robust arrangements in place to ensure delivery of the statutory duties. This has been agreed in principle, subject to confirmation through a Service Level Agreement (SLA), with Bedford Borough Council. 3. that the Shadow Executive approves the setting up of a Central Bedfordshire Admissions Forum by December 2008 to monitor the effectiveness and efficiency of local admissions arrangements and compliance with the Admissions Code by December 2008. 4. that the Shadow Executive notes the requirement to have in place Independent Appeals Panels as part of the Admission process and that a separate report on this will be submitted to a future meeting of the Executive. 5. that consultation on the 2010 admission arrangements commence in January 2009 until March 2009 so that they can be determined by 15 April 2009. 6. that the Shadow Executive be the decision makers for the 2010 policy in line with CLG proposed Transitional regulations. |
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Reason for Recommendation:	<p>Successful admissions to schools are a high priority and a major concern for most parents. Managing a smooth transition in this high profile area is important in establishing the credibility of Central Bedfordshire amongst parents, head teachers, governors, elected members and others. Whilst Central Bedfordshire will assume legal responsibility to manage admissions from 1 April 2009, there are a number of issues which need addressing prior to 1 April to ensure a smooth transition.</p> <p>To ensure a safe and seamless transition on Vesting Day and beyond and to enable the council to fulfil its statutory obligation to ensure fair access to educational opportunity.</p> <p>Importantly, to avoid potential service failure and non compliance with determined arrangements.</p>
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Background

1. Local education authorities have a duty under section 13A of the Education Act 1996 (as amended by the Education and Inspections Act 2006) to ensure fair access to educational opportunity and they have a key role in ensuring that school admission arrangements are lawful and comply with the relevant statutory provisions. This duty includes ensuring that admission arrangements adopted by schools in their area where the school governing body is the admission authority are clear, objective and fair and promote social equity.
2. The Schools Admissions (Coordination of Admission Arrangements) (England) Regulations 2007 requires all local education authorities to formulate and consult on a scheme for coordinating admission arrangements for all maintained schools within their area for each academic year to ensure that, as far as is practical, every child living in a local authority area receives a single offer of a school place on the same day as other pupils within the same phase (lower/middle/upper).
3. The process is governed by timescales which begin up to two years before admission for any given academic year. Every such admission authority shall take all steps necessary to ensure that they will have determined those admission arrangements before 15 April in the determination year. Appendix 1.
4. "Determination year" means the year preceding the year in which the relevant academic year commences. That is the school year beginning two years before the school year for which the arrangements will apply.

5. Local education authorities are required by the Schools Admissions Regulations to formulate separate schemes setting out arrangements for co-ordinating the admission of pupils to primary and secondary schools in their area. The Regulations also state that local authorities must formulate these schemes “no later than 1 January in the relevant determination year”.
6. Therefore the admissions scheme that will apply for the academic year 2009/10 was formulated by the County Council by January 2008 and determined in March 2008. (The statutory date for determination was 15 April 2008). This coordinated scheme ensures that, as far as is practical, every child living in a local authority area receives a single offer of a school place on the same day, by ensuring exchange of information with other admission authorities and with other local authorities, in respect of cross border applications. See table on page C1.7 of the report.
7. Section 42 of the Education and Inspections Act 2006 amends section 86 of the School Standards and Framework Act 1998 to place a duty on local authorities to provide advice and assistance to all parents with children of school age in their area, when they are deciding which schools they would like their children to attend. Choice Advice is one way that local authorities can discharge this duty for more disadvantaged parents at the secondary school transfer stage.
8. There are 141 mainstream schools in Central Bedfordshire with 95 Lower or Primary Schools; 24 Middle Schools and ten Upper Schools. These schools fall into five categories: Community schools, Voluntary Controlled schools, Voluntary Aided schools, Foundation schools and Trust schools. The local education authority is the admissions authority for Community and VC schools and the appropriate governing body is the admissions authority for VA, Foundation and Trust schools.
9. Central Bedfordshire has four nursery schools and the governing body of the school is responsible for these admissions. In addition, there are six special schools and a Pupil Referral Unit and admissions to these institutions are managed by officers in the Inclusion Team and on a case by case basis.
10. Admission to lower schools takes place at the start or during the Reception year; i.e. the school year in which they become five years old. Admission to nursery units or classes is managed separately by the governing body of the school.
11. Transfer from lower to middle school takes place at age nine plus i.e. at the end of year 4, and transfer to upper school takes place at age 13+ i.e. at the end of year 8.

12. The DCSF is currently consulting on changes to the 2007 Admissions and Appeal Codes. The proposed changes are intended to simplify the existing procedures for parents and to ensure that the admission is fair, transparent and straightforward. The consultation on the draft codes took place from June 2008 until 2 October 2008. The changes proposed in the draft codes will have an impact on the admission arrangements for September 2010.

Current arrangements for admissions for September 2009

13. Bedfordshire County Council is in the middle of the process for admissions in September 2009. Admission and transfer offer letters to parents, informing them of the outcome of their applications, will be sent out on the following dates.
- Lower schools; 12 December 2008
 - Middle schools: 16 March 2009
 - Upper schools: 2 March 2009
14. The appeals process will start after the closing date for receipt of appeals. Parents are normally given three to four weeks to lodge their appeals. The estimated timetable for completion of most appeals will be as follows;
- Lower schools: by March 2009
 - Middle schools; around late May/June 2009
 - Upper schools: around late April/May 2009
15. Central Bedfordshire will have as part of the disaggregation process an admissions team of 6.2 full time equivalent posts. This Service will fulfil the requirement to provide a co-ordinated school admissions service.
16. This covers the co-ordination of first admission to school, transfer between lower and middle schools and middle and upper schools, as well as in-year and cross-border admissions. It involves:-
- the statutory annual consultation on admission arrangements
 - ensuring all admission authorities follow the code of practice, challenging where necessary
 - preparing and publishing information for parents on admissions
 - liaising with the contact centre over the provision of information in response to telephone enquiries

- managing applications for and the allocation of school places, including on-line applications
- servicing the Admissions Forum
- formulating policies and practices in response to legislative changes; monitoring and review their effectiveness
- liaising with head teachers and governing bodies, providing advice and support.

The Service also presents the Authority's case at admission appeals.

Proposed Transitional Arrangements

17. It is proposed that a short term transitional arrangement with Bedford Borough Council be agreed so that the existing admissions team can continue to work together between 1 April and 1 September 2009, and at one location to deal with the ongoing matters related to the September 2009 admissions. This approach will minimise disruption and enable a smooth transition to take place. At the end of this period, the team will be disaggregated into the two unitary authorities.
18. Considerable work will need to be undertaken from 1 April 2009 until the end July 2009 in relation to the September 2009 admissions. This will include:-
 - process acceptance and decline slips
 - process late/alternative applications
 - offer places on waiting lists
 - provide relevant information for school transport
 - prepare and present appeals for Community and VC schools and support VA and Foundation schools.
19. The Shadow Executive is therefore invited to approve the proposed transitional arrangement that the current Admissions team continues to deliver the admissions service from April 2009 until September 2009 on behalf of both Central Bedfordshire and Bedford Borough Councils.
20. It is proposed that the offer letter to parents/carers living in Central Bedfordshire should be discussed with Bedfordshire County Council and it should outline the changes and assure parents by explaining the transitional arrangements.

Admissions for September 2010

21. The following table summarises the key milestones and responsibilities

School Year	Scheme Formulated	Consultation completed	Determination	Responsible Authority
September 2009	January 2008	March 2008	April 2008	County Council
September 2010	January 2009	March 2009	April 2009	County Council on behalf of Central Beds
September 2011	January 2010	March 2010	April 2010	Central Beds

22. Therefore the Shadow authority will be responsible for ensuring the formulation of a scheme relating to school admission for the academic year 2010/11. The process will have been initiated by County Council by January 2009 and completed by March 2009. (The statutory date for determination is 15 April 2009).
23. The determined policy for September 2009 (agreed in April 2008) includes designated catchments for all maintained schools. From April 2009, the catchments of some of the schools, including feeder/partner schools (e.g.) will cross over the boundaries of the two new unitary authorities of Central Bedfordshire and Bedford. Consequently a policy decision will need to be made about the future admission arrangements for 2010.
24. There is also a statutory requirement that consultation on a coordinated admissions scheme must also be completed by 1 March 2009 deadline to apply the proposed arrangements for September 2010.
25. Planning for the September 2010 admissions will begin in the Autumn Term 2008 (the current term). It is proposed that a Central Bedfordshire Admissions Forum be established in Autumn 2008 to approve the consultation process which commences in January 2009. The Admissions Forum will also monitor the effectiveness of the local admissions arrangements and compliance with the admissions code and will advise the new unitary authority on issues and policies relevant to Central Bedfordshire area and schools.
26. Admissions forums are charged with monitoring the effectiveness and efficiency of local admissions arrangements and compliance with the Admissions Code, and to recommend actions and decisions in order to ensure consultation arrangements are in place by December 2008.

27. Draft terms of reference for the Central Bedfordshire Admissions Forum are set out in Appendix 1 for approval.
28. Detailed work on the September 2010 admissions will need to be undertaken from 1 April 2009. During the Summer Term 2009, this will include:
 - Admission arrangements agreed by the Admissions Forum for determination by 15 April 2009
 - Publish and refer to adjudicator, if needed
 - Disaggregate data, update database and load data for online applications
 - Prepare admissions booklets, posters, web-site etc
 - Collect data from PCT on children due to start and write to parents/carers (subject to possible change in timescale for primary admissions).

Appeals

29. Parents have a statutory right of appeal when the school they prefer for their child is full and their application for a place has been refused by the admission authority. Parents also have a statutory right of appeal when a child is permanently excluded from a maintained school.
30. Parents' rights to appeal with regard to school admissions and exclusions are set out in law. To hear these appeals the authority must establish an independent Admissions Appeals Panels and independent Exclusion Panels.
31. The fundamental objectives of the admissions appeals process is to provide an independent, impartial and informal but structured forum for parents and the admission authority concerned, to present their respective cases and to be confident that they will be given a fair hearing;
32. Within the County Council the administration of admission and exclusion appeals and the recruitment and training of appeal panel members is managed by Committee Services. It is important that the administration of the appeals process is independent from the School Admissions Service.
33. In 2007/08 academic year, 153 Appeals were received for Central Bedfordshire Schools.
34. It is proposed that discussions with Bedfordshire County Council be undertaken to continue the admission appeals arrangements during the Spring Term 2009 (for lower school appeals) and transition arrangements for the management of the appeals in the Summer Term 2009 (for middle and upper schools) be discussed with Member Services.

Admissions Forum

35. All local authorities are required to establish an Admissions Forum (Section 85 A of the School Standards and Framework 1988). Admission Forums provide the vehicle for admission authorities and other interested parties to discuss the effectiveness of local admission arrangements.
36. Draft Terms of Reference for the Forum are set out in Appendix Two. These take into account the draft code and guidance issued by the Department of Children, Schools and Families (DCSF). the current Bedfordshire Admissions Forum membership and Terms of Reference. Members will need to consider the following matters.
37. The proposal provides for a total of 20 members which should enable an appropriate balance of representation to be maintained between the various phases of schools and between the representation of head teachers and governors within each phase.
38. In the interests of continuity and ensuring that the new Forum includes members who are experienced in dealing with Forum issues, it is suggested that the members of the current Admissions Forum from Central Bedfordshire should be invited to stand for election to the new Forum.

Choice Advisors

39. The primary aim of Choice Advisors is to empower those parents who may struggle with the admissions system, to make informed and realistic choices of which secondary school to apply for in the best interest of their child. The role of Choice Advisors is to help families optimise their choices using all the information to hand and use local knowledge of what individual schools have to offer to ensure parents are more likely to get the best place for their child. Where appropriate, this will include information about schools which might be in different local authority areas with additional advice covering local authority school admission arrangements and individual schools' admission criteria.
40. Every local authority should provide Choice Advice for families in their area who need it. Local authorities have the flexibility in deciding how best to deliver their Choice Advice service locally, but must provide an independent service that is focused on the needs of children in the transition between primary and secondary school whose families would normally find this process difficult to negotiate.
41. Local authorities should make Choice Advice available to families living within their boundary irrespective of where their children attend primary school.

42. Arrangements for Choice Advisors in Central Bedfordshire will be discussed with Bedfordshire County Council as part of the transitional arrangements.

Conclusion

43. Local authorities have a duty under section 13A of the Education Act 1996 (as amended by the Education and Inspections Act 2006) to ensure fair access to educational opportunity and have a key role in ensuring that school admission arrangements are lawful and comply with the mandatory provisions. This includes ensuring that for schools in their area where the governing body is the admission authority the arrangements are clear, objective, fair and promote social equity.
44. All local authorities are required to establish an Admissions Forum to provide a vehicle for admission authorities and other interested parties to discuss the effectiveness of local admission arrangements.
45. The Terms of Reference at Appendix Two will enable an Admissions Forum to be set up in line with the regulations.

Background Papers: N/A

Location of Papers: N/A

File Reference: N/A

Appendix One

Critical Issues for Central Bedfordshire

Every admission authority must, before the beginning of each school year determine the admission arrangement which are to apply for that year. Local authorities are required to publish admission arrangements for all maintained schools in their area. Admission authorities must then follow the determined, published admission arrangements. Failure to do so would amount to a breach of the admission authority's statutory duty.

Autumn 2008

- Establish an Admissions Forum.

Day one

- Ensure seamless continuation of current policies and procedures and key activities performed by the Schools Admissions Team.
- An Independent Appeals Manager must be in place before September 2009.

Year one

- Central Bedfordshire would need to review its policies for September 2010 admissions which will be approved by 15 April 2009 and procedures for September 2009 with a view to identifying any changes it may wish to consult on for September 2011.

Admissions Timeline

Admission arrangements for September 2009 were determined by April 2008 by the County Council.

Statutory timetable requires the County Council to implement the September 2009 arrangements, with offer of places in middle or upper schools made to children/parents in March 2009, prior to vesting day.

Admission arrangements for 2010 will be subject to statutory consultation which should be completed by 1 March 2009. This will be carried out by the County Council of behalf of the Shadow authority. Determination of arrangements will be made by 15 April 2009 by the Shadow Executive.

Discussions need to take place by December 2008 between Central Bedfordshire and the county on policy options and what should be consulted on.

All consultation on a coordinated admissions scheme must be completed prior to 1 March 2009 to apply to arrangements for September 2010.

If the Local Authority does not notify the Secretary of State by 15 April each year that it has adopted a coordination scheme, the Secretary of State may impose one.

There is also a requirement for all local authorities to establish an Admissions Forum. Admissions forums are charged with monitoring the effectiveness and efficiency of local admissions arrangements and compliance with the Admissions Code, and to recommend actions and decisions in order to ensure arrangements are in place by December 2008. This would need to be set up before December 2008 in order to ensure compliance with the Admissions Code.

School Year	Scheme Formulated	Consultation completed	Determination	Responsible Authority
September 2009	January 2008	March 2008	April 2008	County Council
September 2010	January 2009	March 2009	April 2009	County Council on behalf of Central Beds
September 2011	January 2010	March 2010	April 2010	Central Beds

Appendix Two

Central Bedfordshire Admissions Forum

Terms of Reference

1. The Central Bedfordshire Admissions Forum will cover the administrative area of Central Bedfordshire Council.
2. The Forum will consist of 20 core members:-

<u>Group</u>	<u>Number of Representatives</u>
Local Authority (any rep) 1-5 (Could include reps from neighbouring authorities – where cross border issues)	1 – Cabinet Member for Education
Schools:-	
Community and Voluntary Controlled	1 Upper School Head teacher 1 Middle School Head teacher 1 Lower School Head teacher
Foundation / Trust	1 Upper School Head teacher 1 Middle School Head teacher 1 Lower School Head teacher
Voluntary Aided	1 C of E Lower School Head teacher 1 Catholic Lower / Primary School Head
Special Education Needs Rep (? co-opted)	
Church of England Diocese	1 Diocesan Board Representative 1 Middle School Head teacher 1 Upper School Head teacher
Catholic Diocese	1 Diocesan Board Representative
Academies we do not need this yet	1 per Academy
Parent Governor	1 – 3 Representative
Representatives of local community	1 Ethnic Minority Groups 1 Looked After Children 1 Armed Forces

3. All maintained schools, except special schools, will be members of the Forum. A school member should be either the head teacher or a governor (other than a governor who is appointed to the governing body by the authority and is a member of the authority). Where a school is represented on the Forum by a core member, no school member shall be appointed for that school.
4. The Local Authority may appoint other members to the Forum, where the core members consider them to represent the interests of any section of the local community, following a recommendation from the core members. The Forum may also invite other key groups or bodies to attend meetings on an ad hoc basis if they have an interest in the topic being discussed.
5. Core members or school members are appointed for a period not exceeding four years, after which they are eligible for re-appointment. Other members are appointed on terms determined by the core members, not exceeding four years.
6. Core members will appoint a Chair and Vice Chair to hold office for one year, after which they are eligible for re-appointment.
7. Core members will appoint a Secretary, nominated by the authority.
8. The quorum for the forum is a third attendance, with representation from at least three of the groups.
9. Any member of the forum may nominate an alternate member to attend meetings in their absence except that:-
 - 9.1 Local Authority members may only nominate an alternate member who is a member of the authority.
 - 9.2 School members who are core members may only nominate an alternate member who is a headteacher or governor from the same school group.
 - 9.3 Parent Governors may only nominate an alternate member who is a parent governor representative.
 - 9.4 Local Community members may not nominate an alternate member unless the authority consents to the proposed nomination.
 - 9.5 Church of England and Catholic Diocesan members may not nominate an alternate member unless the body by which the member was nominated consents to the proposed nomination.

- 9.6 School members who are not core members may only nominate an alternate member who is the headteacher or governor of the school which is represented, although school members are not required to attend all meetings or to be actively involved in all the work of the Forum.
10. Nomination of an alternate member will be made by giving written notice to the secretary and will remain effective until it is withdrawn.
11. There will be three meetings of the forum each year.
12. Members will receive seven working days notice of the date of the meeting.
13. All meetings will be clerked and minutes taken by the Secretary.
14. The role of the Forum will be to:
 - 14.1 consider how well existing and proposed admission arrangements serve the interests of children and parents;
 - 14.2 promote agreement on admission issues;
 - 14.3 consider the comprehensiveness and accessibility of admissions literature and information for parents;
 - 14.4 consider the effectiveness of the authority's co-ordinated admission arrangements;
 - 14.5 consider the means by which admission processes might be improved and how actual admissions relate to the admission numbers published;
 - 14.6 monitor the admission of children who arrive in the authority's area outside a normal admissions round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preferences expressed by the parent;
 - 14.7 promote the arrangements for the admission of children with special educational needs, looked after children, and children who have been excluded from schools (or have a history of challenging behaviour);
 - 14.8 consider any other admissions issues arising;

- 14.9 publish an annual report on the effectiveness of local admission arrangements.
15. The Forum should refer an objection to the Schools Adjudicator where it identifies policy, practice or oversubscription criteria of a school that may be unfair, unlawful or that contravene the mandatory provisions of the School Admissions Code of Practice, or where their advice has been disregarded by admission authorities.
16. The Forum should promulgate advice that represents the agreed views of the whole forum and should therefore seek to achieve a consensus rather than secure a majority opinion, except where the Forum votes on a proposal to make an objection to the Schools Adjudicator. In which case the proposal must first be approved by a simple majority of all members (not just core members) voting.
17. Any advice agreed by the Forum will be published *on the schools website* and will be sent to all admission authorities in the area covered by the forum.

Central Bedfordshire Admissions Forum

Core Members

GROUP	NAME	
Local Authority		Cabinet Member for Education
SCHOOLS		
Community and VC Schools:		
Upper School Headteacher		
Middle School Headteacher	Mrs Anne Phillips	Streetfield Middle School, Dunstable Road, Caddington, Luton LU1 3BB
Lower School Headteacher	Mr Steve Morrow	Flitwick Lower School, Temple Way, Flitwick, Beds MK45 1LU
Foundation Schools:		
Upper School Headteacher		
Middle School Headteacher		
Lower School Headteacher		
Voluntary Aided:		
Church of England Lower School Headteacher	Mrs Chris Spurgeon	St Mary's Lower School, High Street, Clophill, Beds MK45 4BE
Catholic Lower School Headteacher	Vacancy	

GROUP	NAME
CHURCH OF ENGLAND DIOCESE	
Diocesan Board Representative	Mr Ray Slade
Middle School Headteacher	
Upper School Headteacher	Mr Jim Parker
CATHOLIC DIOCESE	
Diocesan Board Representative	Mrs Frances Image
PARENT GOVERNOR Children's Services Overview and Scrutiny Committee	
LOCAL COMMUNITY	
Ethnic Minorities Groups	Wendy Anderson-Welsh
Children Looked After	Councillor Jennifer Fairbairn
Armed Forces	Squadron Leader Michelle Ramsden