

A G E N D A

Local Admissions Forum

Date: **Thursday, 9th November, 2006**

Time: **7.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of
the meeting.

For any further information please contact:

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AGENDA

for the Meeting of the Local Admissions Forum

To: Local Education Authority	J.P. Thomas (Chairman) J. Stone and Ms. A.M. Toon
Church Representative	Paul Shannon (Roman Catholic Church) and Revd. I. Terry (Church of England)
Headteachers	Nigel Griffiths (Community High School), H Hines (VA Primary School), A Marson (Bishop of Hereford & St Mary's RC Schools) and Julia Powell (Community and VC Primary)
School Governors	Ms K. Fitch (Primary Schools), Mrs. C. Woolley (Secondary Schools) and VACANCY (Special Schools)
Parent Governors	Ms K. Fitch (Primary Schools) and Mr Ross (Primary Schools) and Mrs B. Glasspoole (Secondary Schools)
Local Community Rep	Vanessa Pawsey (Consortium of Special Educational Needs) and Carol Shaw (West Midlands Service for Travelling Children) and Shaun McLurg (Looked After Children)

Pages

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES

To receive details of any persons nominated to attend the meeting in place of a Member of the Forum.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Forum Members in respect of items on the Agenda.

4. MINUTES

To approve and sign the minutes of the last meeting held on 27th June 2006.

5 - 10

5. REVISED SCHOOL ADMISSION AND SCHOOL ADMISSION APPEAL CODE OF PRACTICE CONSULTATION

To advise the Forum of the proposed Codes of Practice on Admissions and Appeals and to ask if comments need to be made during this consultation period which ends on 1st December 2006.

11 - 26

6. VOLUNTARY AIDED SCHOOLS RESPONSE TO THE DFES LETTER DATED 17TH AUGUST 2006 | 27 - 28

To note which Voluntary Aided Schools have amended their Admissions Policy following DfES intervention.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Local Admissions Forum held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 27th June, 2006 at 7.00 p.m.

Present:	Local Education Authority	J.P. Thomas (Chairman), Ms. A.M. Toon and J. Stone
	Church Representative	Paul Shannon (Roman Catholic Church) and Revd. I. Terry (Church of England)
	Headteachers	A Marson (Bishop of Hereford & St Mary's RC Schools) and Julie Powell (Community and VC Primary)
	School Governors	(none)
	Parent Governors	(none)
	Local Community Rep	P. McKinnie (Consortium of Special Educational Needs)

In attendance: Councillor D.W. Rule MBE (Cabinet Member – Children and Young People)

1. APPOINTMENT OF CHAIRMAN

Councillor J.P. Thomas was nominated and seconded for the Chairmanship.

RESOLVED: THAT Councillor J.P. Thomas be appointed Chairman of the Local Admissions Forum for the ensuing year.

Councillor J.P. Thomas in the Chair

2. APPOINTMENT OF VICE-CHAIRMAN

Councillor J. Stone was nominated and seconded for the Vice-Chairmanship.

RESOLVED: That Councillor J. Stone be appointed Vice-Chairman of the Local Admissions Forum for the ensuing year.

3. APOLOGIES FOR ABSENCE

Apologies were received from Ms. V. Pawsey and Mrs. B. Glasspoole.

4. NAMED SUBSTITUTES (IF ANY)

Mr. P. McKinnie substituted for Ms. V. Pawsey.

5. MINUTES

RESOLVED: THAT the minutes of the meeting held on 28th July 2005 be approved as a correct record and signed by the Chairman.

6. OUTCOMES OF PARENTAL APPLICATIONS FOR YEAR 6 PUPIL TRANSFERS TO HIGH SCHOOLS, SEPTMEBER 2006

The Forum was informed of the outcomes of the parental applications for Year 6 pupil transfers into High Schools for September 2006, including details of appeals.

The Forum was informed of a factual inaccuracy in the report contained in the Agenda. In paragraph 3 of the report the number of appeals for Whitecross was 12 and not 2. This also meant that the total number of appeals held was 43 instead of 33 and that the overall success rate of appeals was 15% rather than 18%.

The Admissions and Transport Manager reported that the co-ordinated admission arrangements operated in Herefordshire had resulted in 93.6% of parents being offered a place at their first choice school and 99.5% of parents had received a place at one of their three declared preferences.

There had been no parental complaints about how applications had been dealt with administratively this year.

There were currently four schools in the County with waiting lists. Namely, Bishops, Whitecross, St. Mary's and Wigmore. Waiting lists would remain open until the start of the new school year in September.

The following were the principle points arising from the ensuing discussion:

- A Member was pleased to note that all catchment children had been offered places at Wigmore High School this year.
- It was clarified that all catchment children had received places at Whitecross. However, it had not been possible to offer places to six children with sibling connections as the school had received an increased number of applications this year. It was thought that the increase in applications was linked to the schools recent move to a new premises.
- It was queried whether or not the Bishops Palace was a suitably neutral venue to hold appeals for Bishops School.
- It was noted that a number of foreign national children were entering the secondary education system. This was creating some problems with providing the necessary facilities and solving problems principally concerning language.
- It was noted that all guidance booklets for parents were available in other languages.

RESOLVED: THAT the report be noted.

7. AMENDMENTS TO SCHOOL PLANNED ADMISSION NUMBERS

The Forum considered changes to the Planned Admission Numbers (PAN) at Clehonger, Marlbrook and Staunton-On-Wye Primary Schools.

The Forum was informed that the addition of an extra classroom at Clehonger Primary School to avoid an organisational problem had required a new capacity assessment to be conducted. This had resulted in the PAN for the school rising from 25 to 28. This was unlikely to affect neighbouring schools as both Madley and Kingstone and Thruxton Primary Schools both had waiting lists.

At Longtown Primary School it had been agreed to admit 10 first preference catchment children and children with sibling connections even though the school

only had a PAN of 8 pupils per year. However, it had been agreed to go slightly over the PAN due to the school only admitting 3 pupils last year.

Staunton-on-Wye Primary School had admitted 14 children for the next academic year against a PAN of 10 as it was considered that there was the overall capacity in the school to accommodate the additional pupils.

The PAN at Marlbrook Primary School had increased from 50 to 60 following the provision of an extra classroom. Historically, Marlbrook had been a two-form entry school but the provision of a Local Authority Nursery school had seen the school lose a class. Therefore the school had now returned to its original class size. The Head of Commissioning and Improvement accepted that the increased PAN could see additional children attend the school at the expense of another but felt that the new class was justified, even though the overall numbers on the school roll were falling in the wider County, as the numbers of children in the South Wye area was actually increasing.

RESOLVED: THAT the changes to admission numbers both temporary and permanent be noted.

8. AMENDMENTS TO SCHOOL CATCHMENT AREA

The Forum considered a change to the catchment area of Ashperton Primary School.

The Forum was informed that following extensive consultation and a discussion at the School Organisation Committee in December 2005 the provided primary school for the small hamlet of Covender would, from September 2007, be Ashperton Primary School.

RESOLVED: THAT the change of catchment school for the hamlet of Covender be noted.

9. AMENDMENTS TO ADMISSION POLICIES OF VOLUNTARY AIDED SCHOOLS

The Forum was advised of changes to the admission policies of St. Mary's RC High, Cradley CE Primary, Fownhope CE Primary, St. James CE Primary, St. Thomas Cantilupe CE Primary, Lea CE Primary, Leintwardine Endowed Primary, Pembridge CE Primary and Pencombe CE Primary.

The Admissions and Transport Manager reported that work had been undertaken to standardise the oversubscription criteria of voluntary aided (VA) schools in the County to bring them in line with the DfES Code of Practice concerning school admissions. The result of this work was that eight of the twenty VA schools in the County had amended their admissions policies.

The Forum was informed that the Bishops of Hereford's Bluecoat School had subsequently made an addition to the notes section of its over subscription criteria giving priority to all children in the looked after system at all levels of its oversubscription criteria.

A Member of the Forum welcomed the changes made by some VA schools to their oversubscription criteria but pointed out that many schools still operated policies was outside the Code, in addition, St. Mary's RC High had amended its current policy but still in breach of the code due to other factors.

The Church of England Representative informed the Forum that when the Education

Act came into force it was likely to allow Diocesan Education Boards to establish a national policy for all Church of England schools. This would allow local breaches to be resolved.

The Roman Catholic Representative undertook to speak to St. Mary's about the concerns of the Forum and seek to address them.

It was proposed and seconded that the Local Authority be asked to refer all VA Schools in breach of the DfES Code of Practice for School Admissions to the Schools Adjudicator. The proposal was approved.

RESOLVED:

THAT (a) it be recommended that the Local Authority refer all voluntary aided schools in Herefordshire who's oversubscription criteria are in breach of the School Admissions Code of Conduct to the Schools Adjudicator;

and;

(b) the changes made to the oversubscription criteria for those schools who have adjusted their criteria be adopted.

10. APPLYING FOR A PLACE AT HIGH SCHOOL AND STARTING SCHOOL

The Forum considered the format of the simple guidance notes in relation to the admission of children into reception class at 4 years of age and the transfer of pupils into high school at age 11.

RESOLVED: THAT the simple guidance notes be approved.

11. STANDARD APPLICATION FORMS FOR SCHOOL YEAR 2006/07

The Forum considered the layout of the common application forms to be used for the co-ordinated secondary transfer arrangements (SA1) for September 2007 and the PA1 form for primary co-ordination to be introduced at the same time.

In addition to a number of editorial changes the Forum made the following principle points regarding the SA1 and PA1 forms:

- Part D on SA1 state that 'it will be necessary to complete [additional application forms for both Bishops and St. Mary's rather than 'it may be necessary'. Similarly in Part D on PA1 with regard to Voluntary Aided Schools.
- Part E parents be asked to print their full name rather than just sign their full name to aid school and admissions staff.

RESOLVED: THAT the PA1 and SA1 forms as amended, be approved.

12. INFORMATION FOR PARENTS BOOKLET

The Forum considered the composite prospectus for the admission/transfer of pupils into primary and high schools.

The Forum noted that the numbers for special schools reported in the booklet were the planned admission numbers rather than the actual numbers in attendance at the school which was significantly higher. Following a request for the true numbers to be reflected in the booklet the Forum agreed to allow the Admissions and Transport

Manager to consult the SEN Manager before taking any action.

It was anticipated that the booklet would be reviewed in light of any new guidance issued by the DfES following the awaited Education Act.

RESOLVED: THAT, subject to discussions between the Admissions and Transport Manager and the SEN Manager, the 'Information for Parents' booklet be approved.

The meeting ended at 8.10 p.m.

CHAIRMAN

REVISED SCHOOL ADMISSION CODE & SCHOOL ADMISSION APPEAL CODE OF PRACTICE CONSULTATION

REPORT BY ADMISSIONS AND TRANSPORT MANAGER

LOCAL ADMISSIONS FORUM

9TH NOVEMBER 2006

Purpose

To advise the Forum of the proposed Codes of Practice on Admissions and Appeals and to ask if comments need to be made during this consultation period which ends on 1st December 2006.

Financial Implications

None

Considerations

1. The DfES have issued two Codes of Practice on the Admission and Appeal process which are proposed to be effective from February 2007. The main proposals on admissions are set out in Appendix 1, and on appeals in Appendix 2. Full copies of the proposed revised Codes of Practice have been sent to Members of the Forum separately and are available to members of the public on request.
2. These are summaries of both documents, but the proposals particularly around admissions cover many issues some of which have been the subject of debate in previous meetings of this Forum.
3. The Forum is asked to consider the proposed code, and consider if they will address the situation in Herefordshire in a positive and helpful way.

Recommendation

THAT the Forum is asked to consider the proposals being made in these Codes of Practice, and advise if further comment should be made as part of the consultation.

BACKGROUND PAPERS

- None identified.

SCHOOL ADMISSIONS CODE – CONSULTATION DOCUMENT

The School Admissions Code comes into force in February 2007.

Where mandatory requirements are imposed by this Code it is stated that all relevant bodies “**must**” comply with the particular requirements or provision. Where the Code prohibits practices or criteria it is stated that the relevant body or bodies “**must not**” use the practice or criteria.

The Code also includes guidelines which the relevant bodies should follow unless they can demonstrate, if challenged, that they are justified in not doing so. Where guidelines refer to good practice the Code will state that the relevant bodies “**should**” follow the particular guidelines and where the guidelines refer to a practice or criteria normally regarded as poor practice, but where there may be exceptional circumstances when it may be justified the Code will state that the practice or criteria “**should not**” be used.

The Code applies to the following bodies:

- a) Admission Authorities
- b) Governing Bodies (when not admission authorities)
- c) Local Authorities (when not acting as admission authorities)
- d) Admission Forums
- e) Schools Adjudicators
- f) Admission Appeal Panels

Key Statutory provisions:

Admission Authorities **must** also comply with other legislation relevant to school admissions such as the Race Relations Amendment Act, the Sex Discrimination Act and Equality Act.

Every admission authority **must** before the beginning of each school year determine the admission arrangements which are to apply for that year. Admission authorities **must** then follow the determined, published admission arrangements.

The governing body of a voluntary aided or foundation school **must** implement a decision of the local authority, made under the relevant co-ordinated admission arrangements, whether a child should be granted or refused admission to the school. Schools **must not** ask parents to sign agreements before they have been offered a place at the school.

Ensuring equity and fair access

In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide on the allocation of school places:

- a. are clear in the sense of being free from doubt and easily understood. Arrangements that are vague only lead to uncertainty and this may reduce the ability of parents to make an informed choice for their children. They are also likely to increase the chances of an objection;
- b. are objective and based on known facts. Admission authorities and governing bodies **must not** make subjective decisions or use subjective criteria;

Admission authorities **must** consult each other and co-ordinate their arrangements, including over the rapid re-integration, in accordance with local protocols of children who are hard to place, including those who have been excluded from other schools.

Ensuring fairness – implications of wider policies

Admission authorities and governing bodies **must** ensure that their admission arrangements and other school policies are fair and do not disadvantage, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs. Local authorities and schools have duties under Part IV of the Disability Discrimination Act 1995 not to discriminate against disabled pupils and this is an important principle that should underpin all schools' policies, not only for admissions. Admission authorities and governing bodies should develop and implement admission arrangements, practices and oversubscription criteria that actively promote equity, and thus go further than simply ensuring that unfair practices and criteria are excluded.

All governing bodies **must** ensure that their other policies and practices do not disadvantage certain social groups or discourage some groups of parents from seeking a place at the school for their child. Local authorities should work with governing bodies (where the governing body is not also the admission authority) to ensure that admission arrangements which appear fair are not then undermined by other school policies, such as a requirement for expensive school uniform, sportswear or expensive school trips or other activities, unless arrangements are put in place to ensure that parents on low incomes can afford them. Governing bodies of schools which are their own admission authority need to address this too. Guidelines on some of these issues are included below. Local authorities are also under a duty to ensure fair access to educational opportunity, which extends to wider policies such as school transport. Admission authorities and governing bodies **should** also guard against any conflicts of interest for those who make decisions about applications that could leave them open to challenge, for example declaring personal knowledge of a particular child or friendship with their family.

Practices and policies that may undermine fair admission arrangements

Information about parents, children and families

The use of interviews in school admission arrangements is unlawful. Staff and governors are encouraged to meet parents at open evenings and on other occasions, but information gained in this way **must not** play a part in the admission decision-making process. Attendance at an open evening or other meeting at the school **must not** be a condition for the allocation of a place.

Applications and application forms

Prohibition of supplementary forms

Admission authorities **must not** use supplementary application or information forms that ask:

- a) for personal details about parents, such as criminal convictions or marital, occupational or financial status;
- b) for details about parents' achievement, educational background or whether their first language is English;
- c) for details about parents' or children's disabilities, special educational needs or medical conditions unless this is in support of positive action;
- d) about parents' or children's interests, hobbies or membership of societies.

Admission authorities **must not** discriminate against children whose parents fall into certain social groups. No personal information about parents is relevant in considering an application for a place at a school and criteria which focus on parents cannot legitimately be included in oversubscription criteria. Collecting such information may suggest that it can be taken into account and therefore be misleading to parents.

Given the potential for discrimination, admission authorities may only use supplementary application/information forms that request additional information when it has a direct bearing on decisions about acceptable oversubscription criteria; for example, asking for a reference from a priest or other religious minister for a faith school.

Faith schools

At schools designated as having a religious character, the prohibitions above do not prevent the use of a supplementary form that asks parents or children about their membership of or relationship with the church or religious denomination.

School transport

The cost and availability of safe, reliable home to school transport is a concern for many parents. Home to school travel arrangements can have a disproportionate impact on low-income families, particularly those with several children. Admission authorities **must** explain clearly whether or not school transport will be available, and if so to which schools and at what cost (if any). Local authorities are required to make information about school travel and transport options available to parents at least six weeks before parents apply for a school place. The Education and Inspections Act 2006 extended rights to free home to school transport for low income families to one of their three nearest schools, where they are between 2 and 6 miles away, to remove the lack of affordable transport as a barrier to choice for these families. Admission authorities should bring this information to the attention of parents. The position is different for primary and secondary schools:

- a) for primary age pupils transport will only be provided to the nearest suitable school, but
for those in low income families aged 8–11 free transport **must** be provided if they live more than two miles from school (previous distance three miles).
- b) secondary age pupils from low income families **must** have transport to any one of the
three nearest suitable schools, where the distance travelled is between two and six miles.

Prohibition of unfair oversubscription criteria

In setting oversubscription criteria admission authorities **must not**:

- a. stipulate conditions that change the priority given to an application;
- b. give priority to children according to the order of other schools named as preferences by their parents, including “first preference first” arrangements;
- c. give higher priority to children whose parents are more able or willing to support the ethos of the school or to support the school financially or in some other way;
- d. give higher priority to children according to the occupational or financial status of parents;
- e. give higher priority to children according to the educational or social group or background of their parents;
- f. take account of reports from primary or nursery schools about past behaviour, attitude or achievement;

- g. discriminate against or disadvantage children with special educational needs or disabilities;
- h. allocate places at a school on the basis that a sibling or other relative is a former pupil;
- i. take account of the behaviour of other members of a child's family, whether good or bad, including a good or bad attendance record;
- j. take account of parents' marital status;
- k. give priority to children whose parents are current or former staff or governors or who have another connection to the school;
- l. give priority to children who (or whose parents) have particular interests, specialist knowledge or hobbies;
- m. give priority to children based on the order in which applications were received;
- n. in the case of grammar schools, give priority to siblings of current pupils;
- o. expressly exclude applicants from a particular social or religious group or state that only applicants from a particular social or religious group will be considered for admission.

Guidelines on setting fair oversubscription criteria

Faith-based oversubscription criteria

Schools designated by the Department as having a religious character may give preference in their admission arrangements to members of a particular faith or denomination, providing this does not conflict with other legislation, such as equalities legislation or the mandatory provisions of this Code. As with all other maintained schools faith schools **must not** keep open places if they have insufficient applicants of their own faith and other families have applied for a place at the school.

As with all oversubscription criteria those that are faith-based must be clear, objective and fair. Parents and families must easily be able to understand how the criteria will be satisfied. Where preference is to be given to members of a particular faith, published admission arrangements **must** make clear how religious affiliation or commitment is to be demonstrated – for example by a simple statement of affiliation, or through a reference signed by the family's priest, minister, or other representative(s) of the church. It should be sufficient to provide evidence that the child and/or the family are practising members of the faith, and this is a position supported by most of the groups representing different faiths. Whatever method is used it **must** be clearly objective and transparent and therefore any reference requested **should** be in writing.

Guidance provided by church or religious authorities

Church or religious authorities may provide guidance for the admission authorities of schools of their faith that sets out what process and criteria may be used to establish membership of the faith. Such guidance should clearly define the terms used and how membership is to be determined, and **must be** consistent with the provisions and guidelines of this Code.

Where such guidance is produced, the admissions authorities for schools of the faith **should** follow it.

Admission authorities for faith schools **should** consider how their particular admission arrangements impact on the local community. Faith schools can contribute to community cohesion by having admission arrangements that are inclusive of other faiths and of all elements of the population of their local area. Some faith schools already achieve inclusiveness by designating a proportion of places for which children of their own faith or denomination will be given priority, and the remainder as community or open places for which local children will be given priority.

In their admission arrangements faith schools **must**, as a minimum requirement, give first priority to looked after children of their faith but **should** go further and give first priority to all looked after children.

The governing bodies of Church of England schools that are their own admission authorities **must** consult their local Diocesan Board about the admission arrangements they are proposing for their schools before they go out to statutory consultation with other admission authorities, and they **should** follow the Board's advice. Section 89 of the School Standards and Framework Act 1998 requires all admission authorities for maintained schools to consult: the local authority (if the governing body is not the admission authority); the admission authorities of all other maintained schools in the area; and the Admission Forum about their proposed admission arrangements. In addition, faith schools **must** also consult the body representing their religion or religious denomination.

Catchment areas

The 1997 Rotherham Judgment confirmed that there is nothing unlawful in the principle of admission authorities operating catchment areas as part of their oversubscription criteria and thereby giving priority to local children whose parents have expressed a preference for the school. However, admission authorities **must not** guarantee places to parents in a local catchment area, in case the pattern of preferences expressed does not allow this guarantee to be met. In drawing up catchment areas admissions authorities should ensure that they reflect the diversity of the community served by the school. A catchment area does not prevent parents expressing a preference for the school if they do not live in the area.

Local authorities **must not** suggest that parents should express a preference for the school in whose catchment area they live, or that they have been allocated a place at that school before they have expressed a preference. Although they should explain the possible consequences of not doing so, local authorities **must** be clear that parents are allowed to express a preference for any school they choose. Some schools have adopted inner and outer catchment areas and these work well for some specialist schools in particular by extending choice to more parents.

For children of UK Service personnel and other Crown servants admission authorities **must** treat a family returning to their area as meeting the residency criteria for that catchment area even if no house is currently owned in that area once proof of the posting has been provided. Where catchment areas are used, admission authorities **should** provide a map of the areas, and indicate how far parents within those areas have succeeded in getting places in the past, and whether that is likely to be a guide for the future. Catchment areas **must not** be set after applications have been made.

Duties to increase opportunities for parental choice and respond to parental representations

Local authorities have a statutory duty under section 14(3A) of the Education Act 1996 (as amended by the Education and Inspections Act 2006) to secure diversity and increase opportunities for parental choice – and are under a further duty to provide advice and assistance to parents in expressing a preference for a school for their child (section 86(1) of the 1998 Act, as amended by the Education and Inspections Act 2006). The duty to provide advice and assistance applies to parents of children of all ages. In order to support local authorities in discharging this duty in the case of transition from primary to secondary school, funding has been made available to enable them to establish a Choice Advice service. This service will target practical support and advice at those parents who are most likely to need extra help in navigating the admissions system. Choice Advice can be delivered flexibly using a range of models to best meet local circumstances but local authorities should be creative about using a range of media to reach these parents, for example, through targeted communications, admissions fairs, and group or one-to-one sessions as appropriate.

Local authorities **must** consider parental representations about the provision of schools in their areas and respond setting out any action which the authority proposes to take, or where the authority believes no action is necessary, their reasons behind that opinion. Local authorities **must** determine how to carry out these new duties in the light of their local circumstances and in accordance with guidance issued by the Secretary of State under section 14A of the Education Act 1996.

Where parents are unsuccessful in applying for a school place for their child, they **must** be given reasons and informed in writing of their right to an independent appeal against the decision.

Children with challenging behaviour

Admission authorities **should not** refuse to admit a child on the basis of their behaviour elsewhere. Schools also **should not** refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour, on the grounds that the child ought first to be assessed for special educational needs. The law disapples the normal principle that parents' preferences should be complied with, only in the 'twice excluded' situation. If, following admission, a child is found to be seriously and persistently disruptive, then the school may consider disciplinary action, including temporary and, ultimately, permanent exclusion procedures. A child with challenging behaviour may also be disabled as defined in the Disability Discrimination Act 1995 and require reasonable adjustments to be made for them in the school or require particular support for any special educational needs.

Some undersubscribed schools may find that they have been required to admit an undue proportion of children with a recent history of challenging behaviour, which may have led to a permanent exclusion from another school. Admission Forums **should** discuss how local admission arrangements might allow all schools to admit a more even share of such children, including children excluded from other schools, and to agree protocols for the admission of

hard to place children. Admission authorities **must** have regard to their Admission Forum's advice.

Exceptionally, outside the normal year of entry, admission authorities for certain schools, or Academies, may decide to refuse to admit a child with challenging behaviour where there are places available, on the grounds that admission would prejudice the provision of efficient education or the efficient use of resources. This will normally only be appropriate where a school has a particularly high concentration of children with challenging behaviour or previously excluded children, or the child is particularly challenging, and one or more of the following exceptional circumstances exist namely that the school:

- a) required special measures or has recently come out of them (within the last two years);
- b) is subject to a formal warning notice;
- c) is a Fresh Start school or Academy open for less than two years; or
- d) is a secondary school, less than 25% of whose pupils are achieving 5 or more GCSEs at grades A*–C.

Hard to Place Children

All admission authorities and Admission Forums **should** have protocols in place for admitting children they consider hard to place. All need to play their part in ensuring that these children, especially the most vulnerable, are admitted to a suitable school as quickly as possible. This includes admitting children to schools that are already full.

There is a balance to be struck between finding a place quickly, in an undersubscribed school or one facing challenging circumstances, and finding a school place that is appropriate for the child. The protocol **should** therefore ensure that no school, including those with places available, is asked to take an excessive or unreasonable number of children who have been excluded from other schools. All schools, local authorities and Admission Forums **should** follow the guidance on protocols issued in November 2004, which can be found at www.dfes.gov.uk/sacode.

Protocols may include all children who arrive outside the normal admissions round who may have difficulty securing a place. Children with special educational needs but without statements should be treated in the same way as all applicants, but protocols should include arrangements for ensuring that, where there is prior knowledge of a need for particular SEN support, such children are placed quickly. Children with statements of SEN that name a school and who arrive outside the normal admission round **must** be admitted to the school even if the school is full. Similarly, where a local authority as corporate parent directs an admission authority to admit a looked after child the child **must** be admitted to the school at any time during the year, even if the school is full, unless the Adjudicator upholds an appeal from the admission authority.

Once these protocols have been agreed Admission Forums are required to monitor how well they are working³⁷, how quickly the children are found places, and the contribution every school in the area is making.

If schools do not comply with a locally agreed protocol, the local authority may direct a foundation or voluntary aided school under section 96 of the 1998 Act or refer the matter to the Secretary of State under section 496 of the Education Act 1996.

Protocols for sharing hard to place children are also key to the development of effective school partnerships to improve behaviour and tackle persistent truancy. All secondary schools **should** be in such partnerships by September 2007 and, along with devolved funding and responsibility for alternative provision, an agreed protocol encourages schools to work together to cope with challenging behaviour and develop preventative strategies which reduce the need for exclusions.

Waiting lists

Admission authorities are not required to maintain waiting lists for oversubscribed schools but where they intend to do so, it **must** be included in the school's published admission arrangements, making clear that children will be ranked in the same order as the published oversubscription criteria. Waiting lists **must** be clear, fair and objective and **must not** give priority to children based on the date the application was added to a list. For example, if a child moves to an area outside the normal admissions round and has higher priority under the oversubscription criteria, they must be ranked above those with lower priority already on the list. Admission authorities **should** notify parents of where their child has been placed on a waiting list but **must not** give any indication of the likelihood of being offered a place.

Where school places become vacant before admission appeals are heard, admission authorities **must** fill these vacancies from any waiting list. Placing a child's name on a waiting list does not affect the parent's right of appeal against an unsuccessful application.

Admission Authorities

All school admission authorities **must** ensure that in determining their admission arrangements they promote social equity, comply with admissions law and that they act in accordance with the provisions of this Code. Governing bodies that are their own admission authorities are encouraged to ensure that they are represented on the Admission Forum for their area, which will give them the opportunity to contribute to ensuring a fair admissions system. Admission authorities **should** use their power to refer an objection to the Schools Adjudicator if the admission arrangements at other schools appear to them to contravene admissions law or do not comply with the mandatory provisions of this Code or where those arrangements fail to follow its guidelines without justification.

Local Authorities

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 of this Code. They **should** ensure that admission arrangements for schools in their area that are their own admission authority are clear, objective and fair, and promote social equity.

In order that parents may exercise their right to object, local authorities **must** publish a notice in a newspaper circulating in the local area the fact that admission arrangements have been determined for schools in the authority's area and that the arrangements are available for

inspection at the local authority's offices and such other places as the local authority may decide⁴⁴.

Where a local authority considers that the admission arrangements proposed by other admission authorities are unfair, unclear or subjective or may encourage social segregation, they should use their powers to refer an objection to the Schools Adjudicator. If admission arrangements appear to them to be unlawful or contravene the mandatory provisions of this Code they **must** refer the matter to the Schools Adjudicator.

Local authorities **should** also consider carefully any representations they receive from parents about the admission arrangements for schools for which they are not the admission authority and whether they should use their power to make a referral to the Adjudicator. Local authorities may be held to account by the Local Government Ombudsman if, being aware of unfair admission arrangements, they do not object to admission arrangements that may be unfair or do not comply with the provisions of this Code.

Admission Forums

Section 85A of the School Standards and Framework Act 1998 requires all local authorities to establish an Admission Forum⁴⁵. Admission Forums provide a vehicle for admission authorities and other key interested parties to discuss the effectiveness of local admission arrangements, consider how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved. Admission authorities of all maintained schools and Academies **must** have regard to any advice from the Forum in the exercise of their functions. Regulations made under that Act allow local authorities to establish a joint forum with one or more other local authorities to consider and advise on admissions in more than one authority area.

Admission Forums have a key role in ensuring a fair admissions system that promotes social equity, and are required by section 84 of the School Standards and Framework Act 1998 to act in accordance with this Code. Admission Forums **must** act in accordance with the provisions of this Code and **should**:

- a) consider existing and proposed admission arrangements in their area;
- b) consider and provide advice on the effectiveness of the proposed co-ordinated admission scheme in their area;
- c) assess how well the admission arrangements serve the interests of local parents and children collectively, and try to promote agreement on admissions issues;
- d) consider how admission processes might be improved and monitor how admissions relate to published admission numbers;
- e) refer an objection to the Schools Adjudicator where it identifies policy, practice or oversubscription criteria that may be unfair or that do not comply with the mandatory provisions of this Code;
- f) review the comprehensiveness and accessibility of guidance for parents and the composite prospectus produced by the local authority and the effectiveness of Choice Advice to parents provided by the local authority.

- g) agree, promote and monitor protocols for potentially vulnerable children, including those previously excluded from school, those who have special educational needs, disabilities or those who are looked after and those other children who are hard to place or arrive in the area outside the normal admissions round.

Reports on effectiveness of local admission arrangements

The Education and Inspections Act 2006 amends the School Standards and Framework Act 1998 to give Admission Forums an important power to publish a report on how well admission arrangements are working locally, including whether admission arrangements are working fairly for all members of the community. In preparing their report Forums should also consider the effect that the arrangements are having on ethnic and social segregation and the admission of vulnerable children and whether this changes over time. These reports are a valuable tool in ensuring an open and fair admission system, and will be of use to the Schools Commissioner in drawing up his two yearly national review of fair access. The Admission Forum (England) Regulations 2002 as amended by the Admission Forum (England) (Amendment) Regulations 2006 set out what these reports **must** cover. All Admission Forums **should** produce a report on an annual basis.

The Schools Adjudicator

The Schools Adjudicator also has a key role in ensuring a fair admissions system by enforcing the requirements of this Code and considering whether any departure from its guidelines has been justified. Once an objection has been received the Adjudicator may consider the admission arrangements as a whole, not just the specific aspect objected to, for any maintained school.

The Adjudicator may consider the following categories and forms of objections:

- a) from admission authorities (including local authorities) on any aspect of the admission arrangements for a school of which they are not the admission authority;
- b) from Admission Forums on any aspect of the admission arrangements for schools in the area which they cover;
- c) from parents who live in the area to pre-existing partially selective admission arrangements, including any partial selection by ability (below the sixth form); any selection by aptitude other than for up to 10% of places in a prescribed or formerly prescribed subject; and any form of banding which does not meet the 1998 Act's definition of "fair" banding;
- d) from parents who consider that an admission authority is using or proposing to use practices or oversubscription criteria that are unlawful or that are prohibited by this Code;
- e) from parents who live in the area to the determination of an admission number which is lower than the one indicated by the net capacity formula;
- f) from governing bodies of community and voluntary controlled schools to any admission number determined by the local authority for their own school but not to any other aspects of the admission arrangements for their school;
- g) from admission authorities (including local authorities) which appeal within seven days against a local authority direction to admit a looked after child on

the grounds that admission would seriously prejudice the provision of efficient education or the efficient use of resources;

- h) from governing bodies of community and voluntary controlled schools to the admission arrangements of other schools within the relevant area, although they may not object to the admission arrangements for other community and voluntary controlled schools whose admission arrangements have been determined by the local authority;
- i) from local authorities or governing bodies of any school to all partially selective admission arrangements. Complaints may be made to the Adjudicator about tests that are not objective, or which appear to test for ability or another aptitude, even where selection for a proportion of places by aptitude is accepted; and
- j) from faith groups about admission arrangements at schools designated as of their faith.

Adjudicators **must** consider each objection on its individual merits, taking account of the reasons for disagreement at local level and in the light of the legislation and the mandatory provisions and guidelines set out in this Code.

The Adjudicator's determination is binding. If an admission authority or other party do not implement the determination, the Secretary of State may direct them to do so using his powers under section 497 of the Education Act 1996.

Objections **should** be made within six weeks of the date on which the admission authority published its determined arrangements. Adjudicators have discretion to consider late objections, but will need to be persuaded that it was not practicable to submit them earlier. Adjudicators are not able to consider objections about aspects of admission arrangements for which other statutory procedures are required. For example, the Adjudicator may consider objections to the admission arrangements of grammar schools, but not about the principle that a grammar school selects its pupils on the basis of high academic ability.

Adjudicators may uphold, reject or partially uphold objections.

SCHOOL ADMISSION APPEALS CODE – CONSULTATION DOCUMENT

This Code is primarily for those responsible for making appeal arrangements and for panel members and the clerk to the panel. Admission authorities, who are responsible for establishing appeal hearing, are best placed to offer parents advice about local appeal arrangements.

The following bodies have a statutory duty to act in accordance with both this Code and the School Admissions Code:

- a) Admission authorities – local authorities are the admission authorities for community and voluntary controlled schools, unless the function has been delegated to the governing body¹. Governing bodies are the admission authority for foundation schools (including Trust schools), voluntary-aided schools and Academies².
- b) Governing Bodies (including those that are not admission authorities)
- c) Admission Forums
- d) Schools Adjudicators
- e) Admission Appeal Panels

The Code deals with two separate categories of admission appeals:

- a) appeals by parents³ against a decision to refuse their child admission to a school, or against a decision to the school at which education is to be provided for their child; and
- b) appeals by governing bodies of community or voluntary controlled schools against a decision by the local authority, as their admission authority, to admit a child to their school who has previously been permanently excluded from two or more schools.

The fundamental objectives of all admission appeals are to:

- a) provide an independent, impartial and informal 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;
- b) ensure that appeal panels weigh up all the evidence presented to them carefully and objectively before reaching a final decision on the appeal;
- c) operate within education and other relevant legislation (see paragraph A12 in Appendix A). Appeal panels are carrying out a judicial function and **must** apply the principles of natural justice.

Venue for the appeal

To ensure independence in the appeals process, a neutral venue **must** be used for the appeal hearing. Funding delegated to admission authorities for appeals **must** cover any expenses incurred in hiring a venue, although local authorities may be able to provide a suitable venue.

Venues for hearings **must**:

- a) be reasonably accessible to parents and well sign-posted;

- b) be accessible by public transport;
- c) be accessible for people with disabilities, with consideration given to the provision of spaces for car parking¹³;
- d) have a suitable waiting room for parents to wait separately from the panel and presenting officer;
- e) have a suitable room for the presenting officer to wait separately from the panel and parents before and between appeals.

VOULUNTARY AIDED SCHOOLS RESPONSE TO THE DFES LETTER DATED 17TH AUGUST 2006

REPORT BY ADMISSIONS AND TRANSPORT MANAGER

LOCAL ADMISSIONS FORUM

9TH NOVEMBER 2006

Purpose

To note which VA Schools have amended their Admissions Policy following DfES intervention

Financial Implications

None.

Report

1. Colette Summerson from the DfES School Admission Team wrote to 15 VA Schools in Herefordshire about them not giving top priority to Looked After Children in their oversubscription criteria. The local authority has been aware that these admission authorities were not meeting their statutory responsibilities to look after children. The duty is set out in the 1998 Education Act within the provisions of S89(1) of the School Standards and Framework Act 1998 and the Education (Admission of Looked After Children) (England) Regulations 2006 determine that from 21st February, 2006 looked after children must be given first priority in over-subscription criteria. In relation to schools having a religious character first priority must be given to looked after child of that faith. The school may give all looked after children first priority, but must give looked after children priority over all other children not of that faith.
2. No action has been taken in the past as in Herefordshire there are approximately 170 looked after children in the County and over the past few years the authority has attempted to be sure that the small number who enter school or transfer to high school [less than 10 in each cohort] are admitted to schools of their preference. This has been successful and in practice, particularly with falling rolls, the intent of the law has been achieved.
3. For admissions for September 2007, there are 5 'looked after' children who are seeking a place in secondary schools.
4. To date we have received confirmation of amended oversubscription criteria from the following schools in line with the current legislation regarding Looked After Children:

Brampton Abbots C.E Primary School
Ivington Church of England (V.A.) Primary School
Staunton-on-Wye Endowed Primary School
St Francis Xavier R.C. Primary School
St Paul's Church of England (V.A.) Primary School

Further information on the subject of this report is available from
Andrew Blackman, Admissions and Transport Manger on (01432) 260927

5. In addition The Bishop of Hereford's Bluecoat School had previously amended its oversubscription criteria as shown in the Herefordshire Information for Parents Book 2007/2008.

Recommendation

THAT the report be noted.

Background information

- None identified.