

# SCHOOL ADMISSIONS CODE 2007

## REPORT BY ADMISSIONS & TRANSPORT OFFICER

LOCAL ADMISSIONS FORUM

8TH MARCH 2007

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### Purpose

To advise the Committee of the revised School Admissions Code.

### Financial Implications

Statutory implications for a Choice Adviser and greater support for children from low income families does involve additional cost.

### Report

The elements of the new code that impact upon school admissions at maintained schools in Herefordshire are listed below. Some of these elements require action by some or all of our schools.

*Note: for ease of future cross reference the paragraph numbering used below is the same as that found in the new Code.*

2. Admissions authorities **must** ensure that their determined admission arrangements for 2008 comply with the mandatory provisions of the code.

1.6 Local authorities **should** establish a Choice Advice service. Choice Advice targets 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 meet local circumstances but local authorities **must** provide an independent service that is focused on the needs of children in the transition between primary and secondary school whose parents would normally find the admissions system harder to navigate.

1.23 Section 86(5) of the School Standards and Framework Act 1998 requires that in a normal year of entry, a child **must not** be refused admission to a school on the grounds of prejudice to efficient education or the efficient use of resources except where the number of applications for admission exceeds the admission number. Although there is an expectation that this admission number will continue to be applied as that year group progresses through school, it is permissible to refuse admission to it if circumstances have changed since it was a 'relevant age group' and admission of an additional child would 'prejudice the provision of efficient education or the efficient use of resources'.

1.45 A decision to refuse admission **must not** be made by one individual in a school. Where the school is its own admission authority the whole governing body, or an admissions committee established by the governing body, **must** make such decisions. Head teachers or other school officials **must not** give parents an expectation that their application will be successful, or tell them that their child has been given a place at the school, before an offer of a place has been made formally under the co-ordinated scheme. Case law has established that where there is evidence that parents have been told by a head teacher, or

other school official, that their child will be given a place at a school, they can reasonably expect that the person making the offer had authority to do so. In these circumstances the admission authority **should** normally honour the offer, even though in fact it may not have authorised that person to make it.

1.87 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 **must** 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 extends rights to free home to school transport to maintained schools and Academies for children from low income families (defined as those whose children are entitled to free school meals or who are in receipt of their maximum level of Working Tax Credit). This will remove the lack of affordable transport as a barrier to choice for these families. Admission authorities **must** bring this information to the attention of parents. The position is different for primary and secondary schools:

a) For children of primary age, transport will only be provided to the nearest suitable school, but for those in low income families aged 8–11, local authorities **must** ensure that free transport is provided for children living more than two miles from the school.

b) For children of secondary age, local authorities **must** ensure that those from low income families have free transport to any one of the three nearest suitable schools, where the distance traveled is between two and six miles. Local authorities **must** also ensure that transport is provided to the nearest school preferred on the grounds of religion or belief where this is between 2 and 15 miles away.

2.13 In setting oversubscription criteria the admission authorities for all maintained schools **must not**:

a) Stipulate any conditions that affect the priority given to an application such as taking account of other preferences for schools. For example, by saying that priority will be given if all or some other preferences are for a school with particular characteristics (e.g. other schools are of a particular religious denomination). This includes criteria often described as ‘conditionality’;

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 priority to children according to their parents’ willingness to give practical support to the ethos of the school or to support the school financially or in some other way;

d) Give priority to children according to the occupational, financial or marital status of parents;

e) Give priority to children according to the educational achievement or background of their parents;

f) Take account of reports from primary or nursery schools about children’s past behaviour, attendance, 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, including siblings who were on roll at the time of application but will have left by the time the child starts school;

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 of other children in the same family;

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 according to their, or their parents' particular interests, specialist knowledge or hobbies. This does not include taking account of membership of, or participation in, religious activities for faith schools providing this is consistent with this Code and guidance issued by the faith provider body/religious authority;

m) Give priority to children based on the order in which applications were received;

n) In the case of designated grammar schools that rank all children according to a pre-determined pass mark and allocate places to those who score highest, give priority to siblings of current or former pupils;

o) In the case of schools with boarding places take account of a child's suitability for boarding.

2.43 As with all oversubscription criteria, those that are faith-based must be clear, objective and fair. Parents must easily be able to understand how the criteria will be satisfied. It is primarily for the relevant faith provider group or religious authority to decide how membership or practice is to be demonstrated, and, accordingly, in determining faith-based oversubscription criteria, admission authorities for faith schools **should** only use the methods and definitions agreed by their faith provider group or religious authority (see paragraph 2.47). It is good practice for the governing bodies of all faith schools that are their own admission authority and that are proposing to use faith-based oversubscription criteria to consult their religious authority before going out to statutory consultation with other admission authorities.

2.44 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.

2.45 The admission authorities for all faith schools are required to consult such body or person representing their religion or religious denomination as may be prescribed in regulations, in addition to consulting other admission authorities, about their admission arrangements. Such religious authorities may refer an objection to the Adjudicator about the arrangements at schools of their faith.

2.46 Published admission arrangements **must** make clear how membership or practice is to be demonstrated in line with guidance issued by the faith provider group or religious authority. Whatever method is used it **must** be clearly objective and transparent and therefore any reference requested **must** be in writing.

2.47 Religious authorities may provide guidance for the admission authorities of schools of their faith that sets out what objective process and criteria may be used to establish whether a child is a member of, or whether they practice, the faith. The admission authorities of faith schools that propose to give priority on the basis of membership or practice of their faith

**should** have regard to such guidance, to the extent that the guidance is consistent with the mandatory provisions and guidelines of this Code.

3.1 In dealing with applications for school places outside the normal admissions round, whether in-year or at the start of a school year which is not a normal point of entry to the school, admission authorities **must** comply with parental preference unless one of the statutory reasons for refusing admission applies. Such applications **must** be considered without delay, and a formal decision either to offer or to refuse a place **must** be made and notified to the applicant, advising them of their statutory right of appeal when a place cannot be offered. Applicants **must not** be refused the opportunity to make an application, or told that they can only be placed on a waiting list rather than make a formal application.

3.11 Admission authorities **must not** refuse to admit children in or outside the normal admission round on the basis of their behaviour elsewhere, unless the child has been subject to two permanent exclusions. They also **must not** refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour, on the grounds that the child is to first be assessed for special educational needs. The law disapplies the normal principle that parents' preferences are complied with only in the 'twice excluded' situation. If, following admission, a child is found to be seriously and persistently disruptive, the school may consider disciplinary action in the normal way, 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.

3.13 Exceptionally, outside the normal year of entry, and where an application is made outside arrangements covered by an In-Year Fair Access Protocol, admission authorities may decide to refuse to admit a child with challenging behaviour even though 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 and one or more of the following exceptional circumstances exists, namely that the school:

- a) Required special measures or has recently come out of them (within the last two years);
- b) Has been identified by Ofsted as having serious weaknesses or requiring significant improvement and therefore given 'notice to improve';
- c) Is subject to a formal warning notice;
- d) Is a Fresh Start school or Academy open for less than two years; or
- e) Is a secondary school where less than 30% of children are achieving 5 or more GCSEs at grades A\*–C, or a primary school where fewer than 65% of pupils achieve level 4 or above at Key Stage 2 in both English and mathematics for four or more consecutive years.

## **Recommendation**

**That, all admission authorities comply with the new School Admission Code.**