

SCHOOL ADMISSIONS CONSULTATION RESPONSE

REPORT BY ADMISSIONS AND TRANSPORT MANAGER

LOCAL ADMISSIONS FORUM

25TH SEPTEMBER 2008

Wards Affected

Countywide

Purpose

To prepare a response from the Herefordshire LAF to the School Admissions Consultation process.

Financial Implications

None identified.

Background

The Government announced in the Children's Plan its commitment to improve the system through which parents apply for school places for their children and the way in which places are allocated. The attached consultation document (School Admissions Consultation - Delivering the Children's Plan) summarises the DCSF proposals for delivering on that commitment. The consultation runs from 12 June to 2 October 2008 and the DCSF welcome your views on the proposals.

Securing a school place for a child is one of the most important things parents do. The Government is committed to making the process as fair and straightforward as possible.

The statutory admissions framework, including the School Admissions Code, ensures fairness and transparency. The Code came into force in February 2007 and first applied to school admissions in September 2008. It has had a positive impact on school admissions but more needs to be done to improve the system, both to ensure that families and children are at its centre and that all schools comply fully with the law and the Codes. The DCSF are also consulting on draft Regulations that will ensure all schools comply fully with the law and the Codes and all children have a fair chance of obtaining a place at their parents' preferred school.

The current law on school admissions is contained in the School Standards and Framework Act 1998. The Education and Skills Bill, which is currently progressing through Parliament, will make changes to the law, provided that it receives Royal Assent. Those changes relate to:

- New local consultation process for determining admission arrangements (see section 2.2 in the attached consultation document),
- Local authority reports to the Schools Adjudicator (see section 2.6 in the attached consultation document),
- The powers and duties of the Schools Adjudicator (see section 2.7 in the

attached consultation document), and

- School sixth forms (see section 4.2 in the attached consultation document).

There are some proposals in these consultations which would require further changes to primary legislation and which are not covered by the Education and Skills Bill. These relate to:

- Admission Forums (see section 2.3 in the attached consultation document); and
- School charging (see section 4.5 in the attached consultation document).

Finally, there are proposals that would not require any changes to primary legislation. These relate to:

- Improving the application and allocation process for school places (see section 2.1 in the attached consultation document);
- School admission appeals (see section 2.4 in the attached consultation document);
- Information for parents (see section 2.5 in the attached consultation document);
- Service families (see section 2.8 in the attached consultation document);
- Fair Access Protocols (see section 3 in the attached consultation document);
- School ethos (see section 4.1 in the attached consultation document);
- New schools (see section 4.3 in the attached consultation document);
- Published admission numbers (see section 4.4 in the attached consultation document); and
- Banding arrangements (see section 4.6 in the attached consultation document).

The DCSF have completed an impact assessment at the development and options stage of this consultation and have considered that the proposals are broadly cost neutral. The evidence of how they reached these considerations are set out in the draft impact assessment, currently available on the DCSF school admissions website

Issues

The majority of the items out for consultation will generally improve the school admissions process however from a Herefordshire perspective the main issue concerns section **4.4 Published Admission Numbers:**

“The Government wants popular and successful schools to expand where it is appropriate for them to do so, in order that every parent can choose a good school for their child. It should be easier for successful and popular schools to grow to meet parental demand. DCSF are therefore proposing to make it easier for schools to increase their published admission number, and propose to provide a presumption that where a school is successful and popular the change should be agreed. DCSF

are also proposing to relax requirements on schools wishing to admit above their published admission number in a particular year.

DCSF are planning to withdraw sections in 'The School Organisation (Prescribed Alterations) Regulations 2007' which require proposals to be published for an increase in a published admission number of 27 or more. Statutory proposals will still be required for the physical expansion of schools.

These changes mean that statutory proposals will no longer be required for schools that wish to increase their published admission number. Any admission authority that wants to amend their published admission number can do so during the consultation and determination of admission arrangements for all schools in the area. Legislation allows for community and voluntary controlled schools (where the admission authority is the local authority) to appeal to the Schools Adjudicator if they do not agree with the admission number set for them by the local authority. The local authority can also appeal to the Adjudicator if it does not agree with a proposal from a foundation or voluntary aided school to increase its published admission number. However, the draft revised School Admissions Code now requires local authorities and the Schools Adjudicator to have regard to the presumption that proposals to expand successful and popular schools should be accepted.

If an admission authority wants to increase the published admission number of a school after admission arrangements have been determined they will still be able to do this by referring a variation to the Schools Adjudicator in the way described in paragraphs 4.26 to 4.30 of the draft revised School Admissions Code.

Finally, it is proposed to relax the requirement that schools should not admit children above their published admission number unless 'exceptional circumstances' apply. This should allow popular and successful schools to expand more easily and avoid the situation where cases go to appeal even when schools are content to accept children above their published admission number. However, it is proposed that if an admission authority allows a school to admit 27 or more children (in total) above their published admission number over three consecutive years, they should consider determining a higher published admission number at the next available opportunity".

(This could cause problems in Herefordshire in a "falling rolls" environment with popular schools admitting more pupils at the expense of less popular schools.)

The other area for careful consideration refers to the four key options to improve the effectiveness of Admission Forums – **Section 2.3 Admission Forums:**

- "To change the membership of Admission Forums – we could amend Regulations to make Forums into smaller advisory groups representing those with an interest in school admissions in the local area. This would include proportional representation to reflect the local area of types of schools (for example, schools where the local authority is the admission authority, own-admission authority schools, and Academies), faith groups, community groups and parents.
- To change the focus of Admission Forums – we could require Forums to consider the fairness rather than the legality of proposed admission arrangements and policies in the local context. The Forum would retain the majority of its statutory functions: to give advice to local authorities and other admission authorities; to be notified of admission arrangements and variations and to object to the Schools Adjudicator where it considers admission arrangements to be unfair; and the power to report on admission

arrangements in the area.

- To simplify Regulations for Admission Forum reports – we could amend Regulations to ensure that reports do not duplicate the statutory report of the local authority. They could focus on how admission arrangements and policies work in the local context.
- To make the establishment of Admission Forums voluntary – local authorities could decide with schools and other key bodies in their areas whether they want to establish an Admission Forum or not. We could take the next opportunity to amend primary legislation to achieve this and consult on Regulations to prescribe who local authorities must consult with when making this decision, for example faith and parent groups”.

Recommendation

The LAF respond to the consultation using the attached Consultation Response Form.

Considerations

None.

Risk Management

None

Background Papers

DCSF consultation details available on:

www.dcsf.gov.uk/consultations/conDetails.cfm?consultationId=1561

Appendices

School Admissions Consultation – Delivering the Children’s Plan

Consultation Response Form