

NEW SCHOOL ADMISSIONS CONSULTATION

www.dcsf.gov.uk/consultations/conDetails.cfm?consultationId=1561 (Consultation: 12 June - 2 Oct 08)

1. Press release/Ask ACE

ACE has maintained over many years that what parents tell us they want is a good local school and a fair, uncomplicated application process. The DCSF appears to have heard us, and them, at last, as Jim Knight, Minister for Schools, in announcing a major consultation on school admissions between June and October 2008, said: "Parents always tell me they want a place for their child at a good, local school. ... I am concerned that many parents find admissions far too complicated. Applying to a school shouldn't be an overly stressful, bureaucratic and opaque process."

ACE is disappointed that yet another time-consuming consultation exercise has been announced so soon after the last revision of the codes (the most recent admissions code was published in Feb 07 and appeals code in Jan 08), but at least some of the proposed changes to the code and in secondary legislation/regulations appear to be positive.

Our main concern is the apparent lack of reference to academies. These independent schools, which are mainly state funded, are a rule unto themselves, and the opportunity to tie them in to the fairer state system does not appear to have been taken.

We find the proposals that appeal panels could/should consider if admission arrangements are lawful as part of the appeal process, and that there will be additional requirements and guidelines for In Year Fair Access Protocols interesting.

We are not sure if the proposed broadening of the consultation process to allow 'relevant parents' to be consulted, is going to reap rewards for many parents, as we are not clear how they will be able to access/respond to the information. The suggestion that there be an initial review of infant class size application refusals (prior to an appeal) may save time and money for admission authorities and may alleviate the problem of parents' expectations being raised unrealistically, but it may discourage some parents from then appealing, even though they may have a winnable case.

We are concerned about allowing schools being able to include a statement of their ethos in their published admission arrangements and their being able to ask parents to indicate that they will support that ethos when applying for a place. How will this be judged objectively? It may be open to abuse and result in closet selection, even though the DCSF says that it will reinforce that schools cannot prioritise parents according to their willingness to lend practical support to the school, like making financial contributions/giving up their time. We do welcome clarification that schools cannot ask for voluntary financial contributions as part of their admissions process (including in supplementary forms).

We have concerns about the proposal to make it easier for schools to increase and/or admit above their published admission number, as again this is open to abuse and thought does not appear to have been given to the knock on effect this may have on other local schools.

We support the proposal to tighten up coordination to cover all schools at all times (ie to include primary schools and casual applicants), the new duty on local authorities (LAs) to report on the admission process annually, and the wider role for the schools adjudicator, as these should provide checks on unfair practices, especially in own admission authority (AA) schools. ACE also supports own-AA schools being encouraged to contract outside organisations, including LAs and religious authorities, to handle their appeals administration, if it leads to better and more consistent processes.

In terms of children/young people's rights, we welcome the proposal to change the law to allow young people to apply for and appeal for a school sixth form place or for a school place other than school sixth form in their own right, alongside their parents' rights.

2. Summary of changes to the draft revised School Admissions Code

Clearer application and allocation process

- All parents' applications for primary/secondary schools will be coordinated by LA where they live, whenever made and whatever child's age, giving them single point of enquiry for all school applications
- Schools will be able to ask parents to support their ethos, as long as it does not imply that they have to give time or money in support of that ethos
- Parents will be given a legal right to apply to at least 3 primary schools (currently some can only apply for 1)
- Standardised application form will be created, to be used by every LA, for parents to express their preferences on
- New requirement will be introduced for parents and other groups to be consulted on changes to proposed admission arrangements
- Information LAs provide to parents will be improved so they can make clear and reasoned choices about which schools to apply for
- Own-AA schools will be encouraged to contract outside organisations, including LAs and religious authorities, to handle their appeals administration.

Fairer admissions

- There will be a new requirement for LAs to report annually to the schools adjudicator on admissions in their areas, and the adjudicator will have new powers to proactively police the admissions system, with AAs being required to provide information to the adjudicator and amend their arrangements if required
- AAs will not be allowed to ask for voluntary financial contributions or make any reference to them as part of the admission process.

Better local consultation and information for parents

- Local parents and community groups with an interest will be consulted about any change in local admission arrangements
- All LAs will have to publish admissions prospectuses for each local school on-line, on a set date - not just in hard-copy, with a full and clear explanation of the admission process and how many applications each school got last year, in order to build on the national network of Choice Advisers, which will be up and running in every LA by September 08.

Lifting burdens of admission appeals administration

- Transparency and separation of roles in the appeals process, and reduction of the administrative burdens on schools will be ensured by own AA schools being encouraged to have their appeals managed by other bodies, such as their local Diocese or LA.

Supporting the ethos of a school

- There will be clarification and guidelines to underline that schools can ask parents to support their ethos on the admission application form, but not ask or infer that they must give up their time or money to support it.

Expanding popular schools

- Rules will be relaxed to make it easier for successful and popular schools to meet parental demand, by allowing them to admit pupils above their published admission number (PAN).

Supporting armed forces families

- Families of armed forces personnel will be asked for their experience of the admissions system, particularly when many have to move home at short notice, to help support the government's Service Personnel Command Paper to improve access to public services for service personnel.

3. Detail of proposed changes to admissions and appeals (June 08)

Putting parents and children at the centre of the system

1. Improving the application and allocation process for school places

Propose to introduce more standardisation, so that service for parents will not be affected by which LA they live in, whether they are applying for schools in different areas, which phase of education (primary or secondary) they are applying for, or when they are applying.

Propose that:

- Parents apply for school place (including primaries) to LA where they live
- Parents can apply for at least three primary schools (currently often only one)
- More key dates set nationally (eg primary offer date)
- Parents need only go to LA to apply for school place, not to individual schools
- All AAs required to maintain waiting lists when oversubscribed.

Details of proposed changes set out in draft *School Admissions (Coordination of Admission Arrangements) (England) Regs 09* and in *Chapts 1 & 3* of draft revised Admissions Code.

2. New local consultation process

Propose to:

- Replace annual consultation requirement with one to consult only every three years, unless changes have been made to arrangements since previous consultation, although all AAs will be required to consult on proposed arrangements for 2010
- Introduce new requirement for 'relevant' parents (ie living in local area with child aged 2-16, and who has been, is, or will be eligible to apply to school in question) and other groups with interest in proposed admission arrangements, eg community groups, to be consulted, and set out minimum requirements for how this should be carried out
- Require consultation to take place for minimum of eight weeks between 1 December and 1 March, to ensure parents and community groups have chance to respond and that consultation does not take place too early, when people are not expecting it.

Details of proposed changes set out in draft *School Admissions (Admission Arrangements) (England) Regs 09*.

3. Admissions Forums

Proposing four key options to improve their effectiveness:

- To change their membership (eg smaller advisory groups representing those with interest in school admissions in local area, including proportional representation to reflect local area's types of schools, faith groups, community groups and parents)
- To change their focus (to consider fairness rather than legality of proposed admission arrangements and policies in local context, whilst retaining most of its statutory functions: to give advice to LAs and other AAs; to be notified of admission arrangements and variations and to object to adjudicator if consider arrangements to be unfair; and power to report on admission arrangements in area)
- To simplify regs for their reports (to ensure reports do not duplicate statutory report of LA, possibly focussing on how arrangements and policies work in local context)
- To make their establishment voluntary (LAs could decide with schools and other key bodies in their areas whether they want to establish one or not).

4. School Admission Appeals

- *Infant class size appeals:* Propose that AAs appoint suitably independent and qualified reviewer to assess whether appeal likely to succeed and provide advice to parents accordingly. Parents would still have right to appeal if they wish
- *Ensuring transparency and reducing burdens on popular schools:* Propose that own-AA schools' appeals should not be managed by same people who make initial admission decisions, eg could be managed by LA, local religious bodies, or independent bodies contracted to administer appeals for groups of schools
- Considering if appeal panels can or should consider if admission arrangements lawful as part of appeal process.

5. Information for parents

- Propose to make changes to information parents have access to, to make informed choice about which schools to apply for eg all composite and school prospectuses to be published online and in hard copy, so parents can access information in way that best suits them
- Considering prescribing common date for LAs to publish composite prospectuses with prescribed information.

Details of proposed changes set out in draft *Education (School Information) (England) Regs 09* and in *Annex 4* of draft revised Admissions Code.

6. Ensuring fair and lawful admission arrangements – new duty on LAs to report on admission arrangements in their area

- Propose (in *Education and Skills Bill*) to place new statutory duty on LAs to prepare report for Schools Adjudicator by 30 June each year on legality, fairness and effectiveness of admission policies in areas, from 2009.

Details of form and content of reports set out in *School Admissions (Local Authority Reports) Regs 09* and in *Chapt 4* of draft revised Admissions Code.

7. A wider role for the schools adjudicator

Propose

- (In *Education and Skills Bill*) to place new duty on adjudicator to consider legality of admission arrangements referred to him by way of LA report or by Sec of State, and to consider arrangements which he thinks may be unlawful and have come to his attention by any other means
- New regs – *School Admissions (Admission Arrangements) (England) Regs 09* requiring AAs to provide information to adjudicator, make provision for publication of his reports, enable AAs to amend their arrangements following adjudicator's decision, and make provision about restricting alteration of admission arrangements following such decision.

8. Service families

- Publishing proposals in Command Paper on how to improve access to public services for Service personnel and their families so they are not disadvantaged by being in Armed Forces, possibly including consideration of whether prioritisation in relation to particular public services eg school admissions process, is necessary or desirable to address disadvantage, in terms of effects of high levels of mobility of service families.

Fair access for all children – improvements to Fair Access Protocols

Propose to include additional requirements and guidelines for LAs and AAs about what Protocols should say about speed with which cases will be dealt with, new guidelines to make it clearer what should be done to assess options for children who are out of school and hard to place, and what should happen when LA and school do not agree on course of action being proposed by LA.

Details of proposed changes set out in *Chapt 3* of draft revised Admissions Code.

Other changes

1. Supporting the ethos of the school

Propose to clarify:

- that schools may include clear statement of their ethos in published admission arrangements (providing in doing so AA complies with mandatory requirements of code and follows guidelines)
- that schools publishing such statement can ask parents to accept that ethos when applying for school place (providing schools do not prioritise parents according to their willingness to lend practical support to the school)
- what is meant by practical support for school's ethos
- guidelines for AAs in preparing statement of school's ethos

2. School sixth forms

Age at which young people must stay in education being increased from 16 to 18 by 2015.

- Propose to change law to allow young people to apply and appeal for school sixth form place or for place other than school sixth form, with parent still being able to apply for place at school sixth form or appeal on behalf of child if they wish.

Guidelines on these changes set out in *paras 1.41 & 1.45* of draft revised Admissions Code,

Provisions in *Education and Skills Bill* will enable Sec of State to make regs about process for school sixth form appeals, and in particular about cases where parent and child both appeal separately against same decision.

Details of proposed changes set out in draft *Education (Admissions Appeals Arrangements) (England) (Amendment) Regs 09* and in *paras 2.3-2.5, 2.35, 3.16* of draft revised Admissions Appeals Code:

- Parent and young person may appeal jointly or separately in respect of same decision, whether in response to application made by parent or young person
- Two appeals lodged by parent and young person must be heard together
- How to notify parents and young people of right to appeal, and when panel reaches decision, and process to be followed when joint appeal submitted by parent and young person

3. New schools

New School (Admissions) (England) Regs 03 superseded by *s89D SSFA 98* (inserted by *s46 E&IA 06*) and thus being revoked. Indication of new school's admission arrangements and oversubscription criteria required to be given in statutory proposals for new school, and these will be fixed, for school's 1st 3 years, unless AA varies them to comply with duty to give priority to LAC, or because of major change in circumstances.

4. Published Admission Numbers (PANs)

Plan to make it easier for schools to increase and/or admit above their PAN

Propose to:

- Provide presumption, to which LAs and adjudicator will have to have regard, that where school successful and popular, change should be agreed
- Relax requirements on schools wishing to admit above their PAN in a particular year (ie remove 'only in exceptional circumstances' requirement, to avoid situation where cases go to appeal even when schools content to accept children above their PAN)

- Withdraw sections in *School Organisation (Prescribed Alterations) Regs 07* which require proposals to be published for an increase in PAN of 27 or more, although if done over 3 consecutive years, AA should consider determine higher PAN at next available opportunity (statutory proposals will still be required for schools' physical expansion of schools)

Details of proposed changes set out in draft *School Admissions (Admission Arrangements) (England) Regs 09* and in *paras 1.20 to 1.28* of draft revised Admissions Code; if AA wants to increase school's PAN after admission arrangements determined, can do this by referring variation to adjudicator as described in *paras 4.26 - 4.30* of draft revised Admissions Code.

5. School charging

- Propose to strengthen wording in code to make it absolutely clear that schools cannot ask for voluntary financial contributions (eg linked to school security, maintenance, and religious teaching) as part of admissions process (including in supplementary forms)
- Plan to take next opportunity to amend primary legislation to make clear that schools cannot ask for voluntary contributions as part of the admissions process, and to treat refundable deposits as a charge, and thus, unlawful activity.

6. Banding arrangements

Enquire if agree with current three 'reference groups' for banding ie a) full range of ability of applicants for school (or group of schools banded jointly); b) range of ability of children in local area; or c) national ability range.

7. General comments

Opportunity to provide general comments on draft revised School Admissions Code, draft revised School Admission Appeals Code, draft Regulations, and how proposals impact on children from all backgrounds.